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THESIS

SEXUAL HARASSMENT
POLICIES AND PROGRAMS IN THE
MILITARIES OF TTCP COUNTRIES

by

Darlene R. Bennett

June, 1997

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**SEXUAL HARASSMENT POLICIES AND PROGRAMS IN THE
MILITARIES OF TTCP COUNTRIES**

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Lieutenant, United States Navy
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Submitted in partial fulfillment
of the requirements for the degree of

MASTER OF SCIENCE IN MANPOWER SYSTEMS ANALYSIS

from the

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June 1997

ABSTRACT

This thesis examines the policies, programs, and scope of sexual harassment in the United States Navy and the military forces in The Technical Cooperation Program (TTCP) countries, (United States, New Zealand, Australia, Canada, and United Kingdom). It highlights the most effective approaches to eliminate sexual harassment and makes recommendations for improvement. Research was conducted on the information provided from all participating countries.

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I. INTRODUCTION

Few subjects in today's military bring about more immediate and universal frustration than the subject of sexual harassment. This is particularly true as publicized incidents such as Tailhook'91 and, more recently, Aberdeen, have brought great scrutiny, both public and Congressional, upon the sexual harassment programs of the United States military.

Sexual harassment is undeniably an important subject. In this age of the shrinking defense dollar, anything that diverts time, money, and other valuable resources from the military's primary mission must be closely examined. In this sense, sexual harassment has a direct effect on military readiness, since it can reduce individual and group productivity by negatively affecting job performance, retention, morale, cohesion, and attendance.¹

Furthermore, sexual harassment is universal. Surveys in the United States suggest that 40-65 percent of women in the workplace experience sexual harassment, with only 5 percent filing complaints.² But it does not begin in the work place. Young girls from elementary school through college experience high levels of sexual harassment as well. In

¹ U.S. Merit Systems Protection Board: "Sexual Harassment in the Federal Workplace. Is it a Problem?" March 1981, pp. 14-15.

² Lois Bryson. "Dealing with a Changing Work Environment: The Issue of Sexual Harassment in the ADF." November 1993.

a 1993 survey of students in grades eight through eleven by Lou Harris and Associates, 81 percent of girls, and almost as many boys, said they were sexually harassed.³ These issues are not confined to the United States.

In the United Kingdom, a 1991 study of the Alfred Marks Bureau employment agency reported that 47 percent of the women and 14 percent of the men said they had been sexually harassed.⁴ Of those, 43 percent said they had experienced touching, pinching, or grabbing.

Despite the universal nature of sexual harassment, only seven of the 23 industrialized countries surveyed by the International Labour Organization (ILO) in 1992 had specific statutes defining or discussing sexual harassment.⁵ Countries with statutes include Australia, Canada, France, New Zealand, Spain, Sweden, and the United States. Michael Rubenstein, sexual harassment expert from the United Kingdom who reviewed the European research for the European Economic Commission (EEC), noted the extent of the problem, stating,

Whatever its precise incidence, all the available data now indicate that sexual harassment at work is not an isolated phenomenon perpetuated by the odd

³ Susan L. Webb. Shockwaves: The Global Impact of Sexual Harassment, Mastermedia, New York, p. 9.

⁴ Ibid. p. 60.

⁵ Ibid. p. 69

socially-deviant man. On the contrary, it is clear that for millions of women in the EEC today, sexual harassment is an unpleasant and unavoidable part of their working lives.⁶

Furthermore, it is important to note that the highest levels of sexual harassment are found in occupations in which women have not traditionally worked.⁷

The problem of sexual harassment has become more relevant to militaries as the percentage of women entering the armed forces, particularly in non-traditional fields, continues to increase. Military communities that have previously been all male may have never considered sexual harassment. However, as women now enter these communities, sexual harassment becomes a critical readiness issue.

The United States military is not alone in its efforts to eliminate sexual harassment. Foreign military forces are also discovering the negative effects of sexual harassment and are taking efforts to prevent it. There is a need to analyze this problem worldwide to determine the common denominators from the global lessons learned. Perhaps, by sharing experiences, ideas, and unique initiatives, countries can minimize the number of watershed events

⁶ Michael Rubenstein. "The Dignity of Women at Work: A Report on the Problem of Sexual Harassment in the Member States of the European Community." 1988, Brussels-Luxembourg, p.16.

⁷ Bryson, Lois. "Dealing with a Changing Work Environment: The Issue of Sexual Harassment in the ADF." November 1993

typically required to force action, and can reduce the sexual harassment levels on a larger scale with greater speed.

This study examines the policies, programs, and scope of sexual harassment in the United States Navy and the military forces of nations in The Technical Cooperation Program (TTCP) to highlight and recommend the most effective approaches to eliminate sexual harassment. The TTCP is an international defense program that conducts collaborative research and development in the sciences and technologies. Member-nations of TTCP include Australia, Canada, New Zealand, United Kingdom, United States. Subgroup U of the TTCP focuses on training technology, military manpower trends, human-systems integration, and performance enhancement. UTP-3 is the technical panel that addresses military human resource issues, including human rights and social issues. This study supports the efforts of UTP-3 to find some of the most effective approaches employed by member-nations in eliminating sexual harassment.

In Chapters II, III, IV, V, and VI, the study begins by reviewing the background surrounding sexual harassment for the militaries of each of the five. This includes factors involved in the initial recognition of sexual harassment, any watershed events, and the number of women and their roles. These chapters further include a review of each country's national and military policies, including references and highlights of those policies. The separate discussions also explore the sexual harassment training and associated programs, assessment groups, measurement instruments, and the scope of sexual harassment for each

country. Chapter VII offers an analysis of the policies and programs and recommendations. It begins with the common themes that emerged, followed by an overview of the international highlights of the most effective approaches in eliminating sexual harassment, and closing with a set of recommendations.

II. THE UNITED STATES NAVY

A. BACKGROUND.

1. Initial Recognition.

The term “sexual harassment” was first coined in 1970 by Enid Nemy in a *New York Times* article entitled, “Women begin to Speak out Against Sexual Harassment at Work.”⁸ In 1970, sexual discrimination was added to the U. S. Department of Defense (DoD) Equal Opportunity policy; but sexual harassment did not begin to gain attention in DoD until the mid-to-late 1970s when several national surveys of working women were conducted and the issue of sexual harassment gained public attention.⁹ In 1979, the Office of Personnel Management (OPM) issued a “Policy Statement and Definition on Sexual Harassment” to federal departments and agency heads. As a result, the Assistant Secretary of Defense for Manpower, Reserve Affairs, and Logistics issued a memorandum to the Military Services and Defense Agencies that asked them to incorporate the new OPM guidance into employee

⁸ Lois Bryson. “Dealing with a Changing Work Environment: The Issue of Sexual Harassment in the ADF.” November 1993 p. 9.

⁹ Lisa Bastian, Anita Lancaster, and Heidi Reyst. “Historical Overview,” Defense Manpower Data Center Report No. 96-014, December 1996.

orientations and to ensure employees were provided information on avenues of redress for sexual harassment.¹⁰

Congress held its first hearings on sexual harassment in the federal government in 1979, and sexual harassment in the military in 1980. In 1980, the U.S. Equal Employment Opportunity Commission made sexual harassment a discriminatory practice and the U. S. Navy announced its “Zero Tolerance” policy regarding sexual harassment.

In response to the 1980 request by Congress, the U.S. Merit Systems Protection Board conducted the first scientifically controlled, in-depth survey on sexual harassment in 1981. The survey results found that 42 percent of female employees, and 15 percent of their male counterparts in the federal workforce reported being sexually harassed. The cost figure calculated using the survey results was a minimum of \$189 million over the two-year period.¹¹

Several years later, in 1986, the courts took a declarative stand against sexual harassment in the case of “Meritor Savings Bank vs. Vinson,” prompting the military to investigate the scope of the problem in the services. DoD issued its first directive (DoD Directive 1350.2 “The Department of Defense Military Equal Opportunity Program”) in 1987, which also established a Defense Equal Opportunity Council (DEOC).

¹⁰ Ibid.

¹¹ U.S. Merit Systems Protection Board: “Sexual Harassment in the Federal Workplace. Is it a Problem?” March 1981, p. 14.

2. Watershed Events.

a. *Clarence Thomas-Anita Hill Hearings.*

It has been described by a leading authority on Sexual Harassment, Susan Webb, as “the click heard ‘round the world.”¹² The Chairman of the American Bar Association’s Commission of Women in the Profession, Cory Amron, noted the impact of the hearings on the issue of sexual harassment, stating that “the Thomas hearings have catapulted the issue into the public consciousness, from blue-collar workers to professionals. . . . This issue is now truly a matter of national concern.”¹³ During the hearings for Thomas’ nomination process to become a Justice of the Supreme Court in October 1991, Professor Anita Hill, a graduate of Yale law school, and at the time a professor of law at University of Oklahoma, provided days of detailed testimony regarding the sexual harassment that she had experienced from Thomas when she had worked for him at the Department of Education and later at the Equal Employment Opportunity Commission (EEOC). She recounted how she had declined numerous invitations to go out with Thomas socially, how he discussed sexual matters vividly, including those he had seen in pornographic films, and how he had told her

¹² Susan L. Webb, Shockwaves: The Global Impact of Sexual Harassment, Mastermedia, New York, p. 4.

¹³ Ibid, p. 243.

of his own sexual prowess in graphic terms. Thomas denied the accusations vehemently. In the end, the Senate voted to confirm Thomas as a Justice to the Supreme Court.¹⁴

Public opinion polls showed that the majority of the population believed Thomas' denials. In contrast, a survey of state and federal judges revealed 41 percent of the judges found Hill's testimony to be more credible, 22 percent found Thomas' to be more credible, and 37 percent were unsure.¹⁵ Around the country and around the world, people were discussing sexual harassment and who they believed. This was not only a watershed event for the U.S., it was a watershed event for the world.

b. Tailhook '91.

Tailhook '91 was clearly the definitive watershed event for the U.S. Navy. For, not only did it signal a lack of respect for women, it highlighted the breakdown in the Navy's investigatory and disciplinary systems. It is difficult to address sexual harassment in the U.S. Navy without providing some understanding of the incidents and the aftermath of Tailhook '91. If anything, it provides insight into the pervasive attitudes of many men in the U.S. Navy at that time, and the systemic failure to investigate and discipline offenders appropriately, despite policies and regulations that required such action.

¹⁴ WWW page, excerpt from the hearings before the Committee on the Judiciary, United States Senate on the nomination of Clarence Thomas.

¹⁵Susan L. Webb, Shockwaves: The Global Impact of Sexual Harassment, Mastermedia, New York, p. 244.

Held in the Las Vegas Hilton Hotel in September of 1991, the event was formally called the “35th Annual Symposium of the Tailhook Association.” By day, it was a professional convention, hosted by the Tailhook Association, a private organization made up of active duty Reserve and retired Navy and Marine Corps aviators. By night, it was “the scene of much drinking, general rowdiness and wild parties.”¹⁶ The debauchery of Tailhook ‘91 that was publicized so widely by the media was not new to these conventions, and it can be traced back for years. Vice Admiral Martin, Deputy Chief of Naval Operations, had been so concerned over the behavior at the 1985 convention six years earlier, that he had written the following in a letter to Commander Naval Air Force Pacific Fleet:

The general decorum and conduct last year was far less than that expected of mature naval officers. Certain observers even described some of the activity in the hotel halls and suites as grossly appalling, “a rambunctious drunken melee.” There was virtually no responsibility displayed by anyone in an attempt to restrain those who were getting out of hand. Heavy drinking and other excesses were not only condoned, they were encouraged by some organizations. We can ill afford this type of behavior and indeed must not tolerate it. . . . Let’s get the word out that each individual will be held accountable for his or her actions and will be responsible to exercise common sense and leadership to ensure that his squadron mates and associates conduct themselves in accordance with norms expected of naval officers. . . .¹⁷

¹⁶ DoD Office of Inspector General, “Tailhook ‘91 Review of the Navy Investigations,” September 21, 1992.

¹⁷ Ibid.

The letter did not appear to have much impact. In fact, during the Tailhook convention the following year, the Navy's highest leaders were reported to have been involved in some of the "excesses":

At one Tailhook convention, on the night of Oct. 2, 1986, Commander Pete Stoll, an aviator who had flown 450 combat missions in Vietnam, stood next to a couple of visiting Air Force pilots as they watched a naked woman standing over a man, wagging her rump. "Do you know who the Secretary of the Navy is?" the Navy man asked the Air Force pilots. They said no. Stoll pointed to the man beneath the girl. "Well, there's our Secretary of the Navy, right there." It was Lehman.¹⁸

Thus, the events that took place in 1991, which became worldwide news, had been going on for years. It was, after all, the 35th Annual Convention. The Inspector General's report provides the most conservative account of what occurred. The report cites approximately five-thousand people in attendance, with parties centering around 26 hospitality suites. It also

. . . confirmed more than isolated instances of men exposing themselves, women baring their breasts, shaving of women's legs and pubic areas, and women drinking from dildos that dispensed alcoholic beverages. In addition the Navy investigations confirmed the existence of a 'gauntlet.' The gauntlet was a loosely formed group of men who lined the corridor outside the hospitality suites generally in the later hours of each of the three nights of the convention and "touched" women who passed down the corridor. The touching ranged from consensual pats on the breasts and buttocks to violent grabbing groping and other clearly assaultive behavior. During the gauntlet on Saturday night September 7, 1991 at approximately 11:30 p.m., a Navy helicopter pilot, Lieutenant (LT) Paula Coughlin was assaulted. Then assigned as aide to Rear Admiral (RADM) John Snyder, the Commander,

¹⁸ Gregory L. Vistica, "Book Excerpt: Anchors Away," *Newsweek*, February 5,

Naval Air Test Center (who had been president of the Tailhook Association from 1985 to 1987) she first complained to him of the assault during a telephone conversation on the following Sunday morning. Some weeks later dismayed by RADM Snyder's lack of action, LT Coughlin wrote to Vice Admiral Richard M. Dunleavy, the Assistant Chief of Naval Operations (Air Warfare), and reported the matter to him.¹⁹

It was at this point that the Naval Investigative Service (NIS) opened an investigation. The results of the investigation are enlightening. The NIS report offers some insight into the perceptions of Tailhook participants. As the report states,

The assaults varied from victims being grabbed on the buttocks to being groped, pinched and fondled on their breasts, buttocks, and genitals . . . Some victims were bitten by their assailants, others were knocked to the ground and some had their clothing ripped or removed.²⁰

A particularly disturbing element of the incident involved the attitudes of participants, as NIS notes:

A common thread running through the overwhelming majority of NIS interviews concerning Tailhook '91 was -- "What's the big deal?" Those interviewed by the NIS had no understanding that the activities in the suites fostered an atmosphere of sexual harassment and that actions which occurred in the corridor constituted at minimum sexual assault and in many cases criminal sexual assault.²¹

In the end, despite interviews with more than 2,900 people, the investigation failed to provide the tools necessary to appropriately discipline those responsible for assaulting 83 women and seven men.

¹⁹ Ibid.

²⁰ Ibid.

²¹ Ibid.

Numerous reasons for this failure have been cited in a report by the Inspector General (IG). There were two major weaknesses in the Navy IG investigation. The first was that senior officers who were present were not interviewed. The second, as the IG report finds, was that “the NIS investigative scope was not expanded to encompass” mounting evidence of “nonassaultive criminal activity (such as indecent exposure or conduct unbecoming an officer).”²² As a result, despite the fact that the Navy had already established its “zero tolerance” policy with respect to sexual harassment and misconduct, important information was lost or never pursued, and individual responsibility to senior officials was never assigned.

The evidence suggests that “personal failures from the senior leaders overseeing the investigation were largely responsible” for the inadequate results. As the IG report observes:

The Under Secretary failed to ensure that the Navy conducted a comprehensive investigation . . . (he) stated he had not realized that accountability issues had not been examined. . . . We find his statement remarkable given that the ASN (M&RA) frequently raised concerns at the weekly meetings from November 1991 until April 1992 about the limited scope of the investigations, the failure to pursue aggressively investigative leads, and the failure to interview senior officials.²³

Moreover, The Commander, NIS, reflected an attitude that should have indicated an inability to responsibly accomplish the task at hand. The IG report states:

²² Ibid.

²³ Ibid.

The Commander, NIS, stated to the Under Secretary, the ASN (M&RA), and the Special Assistant to the Under Secretary . . . that, in his opinion, men simply do not want women in the military. Those to whom he expressed that opinion believed that the Commander, NIS, shared that view. The Commander, NIS, told us that he expressed a strong personal preference for working with men rather than women . . . the ASN (M&RA) and the Commander, NIS, engaged in a heated argument in a Pentagon corridor regarding women in the Navy and in particular women in naval aviation. During this argument, described by ASN (M&RA) as a “screaming match,” the Commander, NIS, made comments to the effect that a lot of female Navy pilots are go-go dancers, topless dancers, or hookers.²⁴

The NIS commander’s comments did not end there. Noting the profanity used by one of the victims to her assailants as they were grabbing her, the Commander, NIS, stated: “Any woman that would use the “F” word on a regular basis would welcome this type of activity. . . .”²⁵ Starting in December 1991, he also began repeated requests to terminate the investigation.

Furthermore, witnesses attested to the fact that the Navy’s two most-senior leaders had been on the third floor during Tailhook ‘91. One interview that placed Secretary of the Navy Lawrence Garrett at the infamous “Rhino” suite was not included in the final NIS report released in April 1992. The NIS Commander cited it as “an administrative glitch.”²⁶ Secretary Garrett, who resigned after the scandal broke, reportedly “observed

²⁴ Ibid.

²⁵ Ibid.

²⁶ Ibid.

women's legs being shaved in a hospitality suite during the 1990 Tailhook convention and visited four hospitality suites near the gauntlet in 1991."²⁷

Two years after the Tailhook '91 convention, the Navy had conducted at least seven investigations at a cost of more than \$3 million. Of the 120 Naval Officers brought forward for discipline, more than half were thrown out for lack of evidence. Forty-three were taken to Admiral's Mast, where most received letters of caution and forfeiture of pay. Five officers refused nonjudicial punishment in favor of a courts-martial. Three of these officers argued that the Chief of Naval Operations was guilty of the same crimes-- witnessing inappropriate behavior and doing nothing to stop it. In 1994, Judge Vest, the military judge presiding at the courts-martial, told the courtroom audience that the Chief of Naval Operations had lied under oath:

I read everything. I took nothing lightly. And that will be demonstrated by my central findings. . . .This court finds that Admiral Kelso manipulated the initial investigation process in a manner designed to shield his own personal involvement in Tailhook '91. This manipulation of the process by Admiral Kelso and others was for their own personal ends.²⁸

²⁷ Susan L. Webb, Shockwaves: The Global Impact of Sexual Harassment, Mastermedia, New York, p. 265.

²⁸ Gregory Vistica. "Fall From Glory." 1995, pp. 378-380.

The cases against the three officers were dismissed.²⁹ Eventually, both the Secretary of the Navy and the Chief of Naval Operations resigned over the incident. Numerous other admirals were fired as well.

Tailhook was the result of a culture in the Navy that existed despite countervailing rules and regulations--a culture that is not singular to the Navy, but which is drawn from the society that surrounds it. The Navy had taken steps to educate its personnel; but culture does not change easily or quickly.

c. Aberdeen Proving Grounds and Fort Leonard Wood.

The incidents surrounding sexual assault, harassment, and fraternization occurring at the Army's Aberdeen Proving Grounds in Maryland were yet another watershed event for the U.S. military. As of April 1997, one drill sergeant and one captain had been charged with raping trainees under their command; three other noncommissioned officers had been charged with fraternization; and 15 other noncommissioned officers had been suspended and were pending investigation for mistreatment of female trainees. Three women stated that they had been raped by one of the drill sergeants, a fourth woman said that she was sexually assaulted, a fifth woman claimed that he attempted to rape her, a sixth woman reported that he committed indecent acts, and a seventh woman said that she was physically assaulted, all by the same instructor. Additionally, there were allegations that the

²⁹ Ibid.

drill sergeant threatened to kill one of the women and forced others to perform oral sex on him.³⁰

The same week the Aberdeen scandal was publicized throughout the world, three instructors at Fort Leonard Wood, one of the largest basic training posts in the United States, faced charges ranging from consensual intercourse to indecent touching and fraternization. As of April 1997, seven other drill sergeants were suspended and were under investigation.³¹

This case was followed by another story that trainees from Fort Sam Houston had joined supervisors on a trip to Mexico where everyone engaged in “drinking binges” and one trainee performed oral sex on her supervisor on the way home. Five sergeants were disciplined.

An Army sex abuse hot-line was immediately established to field calls concerning complaints about instructors at Aberdeen. The hotline drew 3,102 calls within one week of the Army’s disclosure of the case, from all four military services.³²

The three scandals, particularly the violent and egregious acts at Aberdeen, have sent shock waves throughout the United States, as can be imagined. While Tailhook involved off-duty behavior by Navy personnel who were not acting in an official capacity,

³⁰ “Army Sex Scandal Grows,” *Navy Times*. November 25, 1996, p.3

³¹ Ibid.

³² Ibid.

Aberdeen involved men who were in positions of direct authority over their victims. As Ike Skelton, member of the U.S. House of Representatives, noted, “this is not a bunch of fly boys on a lark, it’s deadly serious.”³³ Furthermore, it comes at a time when sexual harassment training, policies, programs, and avenues of complaint have long been established to prevent these types of occurrences.

Not surprisingly, all military services in the U.S. are feeling the effects of the Army incidents. Navy focus groups were immediately dispatched to the Navy’s training sites to search for any similar problems. The Army was reportedly doing its best to avoid repeating the media and investigative fiasco of Tailhook, and both the Army and the Navy were attempting to discourage any comparison with Tailhook. Nevertheless, the ripple effect is unavoidable. As one military specialist notes: “The mother in the Midwest may read ‘Army,’ but she remembers military.”³⁴

3. Number and Roles of Women.

The U.S. Department of Defense is the nation’s largest employer of women, with more than 500,000 women filling military and civilian positions.³⁵ As of June 1996, women

³³ “What the Army Learned from Tailhook,” *Navy Times*. November 25, 1996 p.6.

³⁴ Ibid.

³⁵ “Women in Defense- DoD Leading the Way,” United Nations Fourth World Conference, Beijing, China. Tab B.

accounted for 13 percent of the active duty Navy force, with 47, 027 enlisted women and 8,033 women officers.³⁶ Additionally, a 1994 Secretary of Defense policy memorandum opened many of the military's non-traditional positions to women. Women can now be assigned to combat aircraft and fly combat planes. In fact, as of June 1996, almost 71 percent of women officers and 37 percent of enlisted women assigned to ships were assigned to combatants.³⁷ It should be noted, however, that women are still restricted from serving on submarines and in ground combat positions.

B. REVIEW OF U.S. POLICIES.

Although the United States' initial recognition of sexual harassment, related military watershed events, and roles of women in the U.S. Navy provide a point of departure for a discussion about sexual harassment, the binding laws and policies guiding behavior provide the structural framework from which all efforts to reduce sexual harassment must begin. Therefore, this section lists the applicable references and then provides some significant policy highlights.

1. Legislative References.

1964 Civil Rights Act, Title VII.

³⁶ Navy Public Affairs Library: "Women in the Navy - Assignments," 30 June 1996.

³⁷ Ibid.

2. Policy References.

The U.S. Navy has issued numerous policy statements and instructions designed to eliminate sexual harassment. Many of these fall under DoD regulating instructions as well.

The following references relate to sexual harassment:

- a. *Department of Defense Military Equal Opportunity Program U.S. Navy (DoDINST 1350.2).*
- b. *Department of the Navy Policy on Sexual Harassment (SECNAVINST 5300.26B).*
- c. *Equal Opportunity Within the Department of the Navy (SECNAVINST 5350.10B).*
- d. *Department of the Navy Civilian Equal Employment Opportunity Program (SECNAVINST 12720.5A).*
- e. *Department of the Navy Discrimination Complaints (OCPMINST 12713.2).*
- f. *Standards of Conduct (DODDIR 5500.7) and Joint Ethics Regulation (JER).*
- g. *DoD Navy Hotline Program (SECNAVINST 5370.5A).*
- h. *General Military Training (OPNAVINST 1500.22D).*
- I. *Navy Equal Opportunity Manual (OPNAVINST 5354.1D).*
- j. *Equal Employment Opportunity Program Management (OPNAVINST 12720.4B).*
- k. *Naval Command Inspection Program (OPNAVINST 5040.7K) and items of Special Interest During Command Inspections (OPNAVNOTE 5040).*
- l. *U.S. Navy Regulations, 1990, article 1166.*

3. Policy Highlights.

Because the U.S. Navy's policies cover a broad range of issues in detail, it is impossible to summarize them adequately with brevity. However, several important aspects of the policies are highlighted below to provide the essence of the U.S. Navy's policy thrust, including: the definition of sexual harassment, issues surrounding accountability, the environment in which the policy applies, the model for the favored resolution approach, mandatory separation, and the Equal Opportunity Manual.

a. The Definition of Sexual Harassment.

First, it is important to know the U.S. Navy definition of sexual harassment.

As stated in SECNAVINST 5300.26B:

Sexual harassment is a form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career, or

Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person, or

Such conduct interferes with an individual's performance or creates an intimidating, hostile, or offensive environment.³⁸

b. Accountability.

It is also important to note that this same instruction addresses the issue of accountability by stating that an individual in the Department of the Navy (DoN) cannot

³⁸ SECNAVINST 5300.26B, enclosure (1).

commit sexual harassment, take reprisal action, make a false accusation, and, what is more important, “while in a supervisory or command position, condone or ignore sexual harassment of which he or she has knowledge or has reason to have knowledge.”³⁹

c. The Work Environment.

The Department of the U.S. Navy (DoN) also considers the work environment for military members to encompass conduct on or off duty, 24 hours a day, and including but not limited to DoD installations, platforms, and other areas of official business, like “command-sponsored social, recreational and sporting events, regardless of location.”⁴⁰

d. The Stoplight Model.

An informal sexual harassment complaint resolution system is incorporated into the Navy’s policies. A stop-light approach-- “Red Zone,” “Yellow Zone,” “Green Zone”-- is used to provide a model for identifying various levels and the seriousness of sexual harassment behavior.⁴¹

³⁹ Ibid. p. 3.

⁴⁰ Ibid. enclosure (2), p. 2.

⁴¹ “Resolving Conflict . . . Following the Light of Personal Behavior” pamphlet.

U.S. Navy.

e. Mandatory Discharge.

The policy statements include mandatory separation for certain categories of offenses and make sexual harassment acts punishable as a violation of Article 92 of the Uniform Code of Military Justice.

f. Equal Opportunity Manual.

Recently overhauled, the New Equal Opportunity (EO) Manual revitalized the EO program at the command level, making changes to assist commands in their personal oversight and prevention. As the Chief of Naval Personnel stated, the EO manual gives the Command Managed Equal Opportunity (CMEO) program “a huge shot in the arm.” The changes are said to give commanders “a tool that helps them find problems and solve them --before something bad happens.”⁴² One of the Navy’s new requirements is that commanders conduct a command assessment within six months of assuming command, and once a year while in command.

The manual also provides strict guidelines regarding the timelines involved after a complaint. Examples include: complainants have 45 days from the date of incident to file a complaint; a person who receives a complaint has one day to refer it to the appropriate authority; the command or disposition authority has 24 hours to provide any necessary support services to the complainant, three days from initial notification to initiate

⁴² “Navy Issues New Equal Opportunity Manual,” BUPERS Public Affairs message, 25 June 96.

an investigation, and 14 days after its initiation to conclude it, begin any disciplinary procedures, and respond to the complainant. If not, an explanation must be provided by message up the chain of command every 14 days until the situation is resolved.⁴³

C. SEXUAL HARASSMENT TRAINING AND ASSOCIATED PROGRAMS.

The U.S. Navy has a variety of programs that address sexual harassment, although few are exclusively targeted for sexual harassment alone. A brief summary of these programs is presented below.

1. Command Level Training and Programs.

a. Command Managed Equal Opportunity Program (CMEO).

A program that was initially created in 1985 to eliminate discrimination, racism, and sexual harassment, CMEO has expanded through the years to become a comprehensive cornerstone of EO prevention and early problem identification and resolution for the U.S. Navy. CMEO is featured below as an international highlight due to its unique preemptive approach to managing sexual harassment and other equal opportunity issues at the command level, and for its valuable qualitative and quantitative assessment tools.

A commissioned or noncommissioned officer, designated as CMEO Officer, is responsible for overseeing the Command Training Team (CTT) and Command Assessment Team (CAT) in meeting program requirements. A description of the CTT and CAT

⁴³ OPNAVINST 5354.1D.

programs, which provides a better understanding of the magnitude and strength of the program, is presented below.

(1) An Overview of CTT. CTT members teach a small segment on sexual harassment in the mandatory, all-hands Navy Rights and Responsibility Training (NR&R). Every command is required to have at least two members in paygrade E-6 or above to teach this eight-hour workshop on Navy equal opportunity principles, policies, and procedures, a small portion of which addresses sexual harassment. CTT members receive formal training from the Chief of Naval Education and Training (CNET), a mobile training team (MTT), or by Equal Opportunity Advisors (EOA). They are taught facilitation techniques as well as the basic principles, policies and procedures. Additionally, CTT members are advised to complete the Navy Equal Opportunity correspondence course within three months of assignment to the CTT. ⁴⁴

(2) An Overview of CAT. CAT members are trained through the same means as the CTT members, with mandatory membership including the Executive Officer (XO), at least one department head, and the Command Master Chief, and with the primary responsibility of conducting a formal command assessment. Other personnel, including the command career counselor, personnel officer and/or legal officer should also be included. CAT members review command records, conduct personnel interviews, observe the work environment, and conduct surveys using the standardized Command

⁴⁴ OPNAVINST 5354.1C enclosure (1), Section III pp.1-3

Assessment Team Survey System (CATSYS).⁴⁵ These command assessments are required within six months following a change of command, and at a minimum annually thereafter.

CATSYS offers commanders the opportunity to assess their command climate privately, without having to share the information with senior commanders, to compare their results with the Navy averages found in the NIOSH survey, and then to address areas of concern as needed, hopefully before any major problems develop. A supplemental survey instrument, the Military Equal Opportunity Climate Survey (MEOCS) is also available to Commanders who wish to augment their program further. Immediate Seniors in chain of Command (ISICs) are required to inspect the CMEO program as a special interest item at an interval not to exceed thirty-six months.⁴⁶

(3) An Overview of CAT Training. A step-by-step guide has been developed to train CAT members. Steps include: 1) Establishing Command Commitment; 2) Identifying, training, and assembling CAT members; 3) Reviewing Data Collection Strategies; 4) Collecting Command Demographics; 5) Administering CATSYS; 6) Conducting the analysis; 7) Interviewing and Observing Skills; 8) Developing a Plan of Action and Milestones (POA&M); 9) Presenting findings and recommendations to the Commanding Officer; and 10) Wrapping-up the CAT.⁴⁷

⁴⁵ Ibid. pp. 4-6.

⁴⁶ Ibid.

⁴⁷ Ibid.

b. General Military Training (GMT).

Personnel are required to attend GMT on sexual harassment annually. Typically, the format is left entirely up to the commander, although CNET provided commands with a mandatory package for 1994-1995. Commanders are given the discretion to tailor their training to address issues that are of specific concern to them. They have the trained CTT on board as an expert to provide training, as well as a multitude of resources that are available. Training and Information Resource (TIR) Libraries, which consist of seven books and eight tapes, are strategically located at 73 Family Service Centers world-wide. TIRs offer valuable resources that can be checked out by commands to augment their sexual harassment and discrimination prevention training or by individuals who are seeking information.

2. Defense Equal Opportunity Management Institute (DEOMI).

This Defense Department school trains the Navy's Equal Opportunity Assistants (EOAs) through a fifteen-week curriculum. (EOAs are typically available as principal advisors to echelon two or three commanders.) The sexual harassment portion of their training consists of one day out of the eighty days of instruction. Facilitators utilize interactive and lecture style approaches, including role play, lively discussions, videos, and briefings. Although students are taught mediation techniques, they are not taught behavioral tools to deal with sexual harassment. Graduates of DEOMI are the Navy's experts in sexual harassment training, trained in facilitation, and the future instructors to CTT and CAT

members. Feedback forms are provided at the end of training, and survey forms are sent out to students after they have spent some limited time at their new commands to test for transfer validity.

3. Leadership Courses.

The EO manual states that “EO training will be provided to all members at appropriate phases in their professional development, commensurate with their level of management responsibility and leadership position.”⁴⁸ The manual adds that the focus of training is:

policy indoctrination, leadership skills, and the Navy’s EO program. . . . EO is a leadership responsibility and will be addressed as such in all leadership curriculums. . . . Specific elements of EO, the Command Assessment process, and prevention of discrimination and sexual harassment shall be included at all levels of the leadership training continuum and any other leadership curricula that may exist in the Navy.⁴⁹

a. Senior Enlisted Academy Training.

Training at the Senior Enlisted Academy is conducted by one of the senior enlisted students attending the academy, possibly an individual who has had no professional sexual harassment training, in a lecture format.

⁴⁸ OPNAVINST 5354.1D, Enclosure (1).

⁴⁹ Ibid.

b. Perspective Commanding Officer (CO)/Executive Officer (XO) Training.

Typically, COs and XOs receive a briefing by a senior officer in the Bureau of Naval Personnel with questions and answers in the end.

c. Flag Officer and Senior Executive Training.

Sexual harassment training is usually incorporated into a one or two-day seminar conducted by a trained representative from DEOMI. It is typically two hours in length, facilitated by an officer at the grade of O-3 or higher, and utilizes the more interactive approach of scenario case studies and lively interactive discussion. A video is also used. Feedback is provided via a course critique.⁵⁰

d. Navy Leadership (NAVLEAD) training and Petty Officer (PO) and Chief Petty Officer (CPO) Indoctrination Courses.

These leadership courses include a small segment on sexual harassment and are usually required prior to an individual's advancement.

4. Accession-Level Training.

All incoming officer and enlisted personnel receive training in sexual harassment. Programs vary in style, length, and format in each of the commands receiving new military members. New recruits typically receive a briefing, accompanied by a seventeen-minute videotape, which is approximately one-hour in total length on the DoN definition, policies,

⁵⁰ Phone conversation with commander in charge of training at Defense Equal Opportunity Management Institute, 1996.

and resolution methods. Additional approaches used in recruit training include: the issuance of a “blue card,” which recruits can raise at any time to speak to any of five different types of counselors; a mentoring program that pairs recruits with other recruits; and anonymous critiques at every major milestone to provide feedback to the chain of command.

The Naval Academy has an interactive approach for its midshipmen in their character development and ethics programs, incorporating role play, case studies of various scenarios, and a large amount of group discussion. Different one hour modules address sexual harassment, sexual assault and date rape, fraternization, and other equal opportunity-related issues.

Feedback from students on the training at most sites is minimal, if existent at all, and may consist of a standard instruction critique sheet provided at the end of the class.

5. Fleet Introduction Team Training.

Fleet Introduction Team Training is a newly developed program provided to ships without women currently on board, but with women scheduled to arrive shortly. Currently, a female commander (O-5) briefs the ship’s personnel in two groups (enlisted separate from officers), and discusses a variety of issues involving women, including sexual harassment. A great effort is made to discover and address the concerns and fears of the men and to ask for stories they have heard from their friends regarding women on ships. The instructor attempts to dispel the myths with facts and statistics. Prior to embarkation, women receive training on a variety of issues, including sexual harassment and the appropriate response

measures. At present, there is no feedback means utilized for the training provided to the men or women that could be used to assess the adequacy or success of this program.

6. Sexual Harassment Toll-free Advice and Counseling Telephone Line.

A toll-free telephone line is answered by trained Navy personnel from the Bureau of Naval Personnel during business hours to provide advice, counseling, and guidance regarding additional resources for members who need assistance related to sexual harassment issues. The telephone line is not used as an investigative or reporting mechanism. The number is 1-800-253-0931.

7. Support Systems.

a. Sexual Assault Victim Intervention Program (SAVI).

SAVI, which was initially developed in 1992 and began implementation in 1994, is a program that focuses on awareness and prevention of sexual assault, voluntary sexual assault victim support, and sexual assault data collection. This program is coordinated separately from sexual harassment programs to ensure that sexual assaults are responded to as felonies, and are perceived distinctly from sexual harassment. Currently, there are twenty-eight SAVI coordinators at twenty-six Navy locations, predominantly in either large fleet concentration areas or the more isolated and remote sites. The goal is to eventually have seventy-five coordinators placed at a larger number of Navy stations world-

wide. Education and training material on awareness and prevention is provided to every Navy command in the form of literature, overhead slides, and videotapes.⁵¹

b. *Training Information Resource (TIR) Library.*

Strategically located at seventy-three Family Service Centers (FSC) throughout the world, these resource libraries contain seven books and eight videos on sexual harassment, including awareness, coping, and training information, as well as materials on the broader issues surrounding diversity.

c. *Mentoring.*

Mentoring is provided to junior Fleet Support Officers who desire it by senior Fleet Support Officers. A list of senior Fleet Support Officers who are available as mentors is provided to all members of this community, a community that contains the large majority of female officers in the Navy.

8. *Training modules, manuals, and packages.*

a. *Resolving Conflict . . . Following the Light of Personal Behavior.*

This pamphlet explains the “stoplight model” used by the Navy to define the various levels of sexual harassment. After providing a set of standard questions, it defines the three behavior zones. “Red zone” behavior is always unacceptable and includes the most egregious forms of sexual harassment. “Yellow zone” behavior is normally considered

⁵¹ Phone conversation with Julia Powell at Navy Bureau of Personnel, Pers-661 on 29 April, 1997

inappropriate; and “green zone” behavior is always acceptable. The pamphlet provides a list of people from whom an individual may seek advice, and describes the informal resolution options: direct approach in person or in writing, or informal third party. The pamphlet provides a list of support services for the formal resolution process, but does not describe it.

b. Sexual Harassment: Drawing the Line.

This pamphlet is comprehensive and most informative. Chapter I begins with a discussion on how to keep sexual harassment out of the unit. Chapter II defines sexual harassment, provides relevant statistical data on incidence rates, discusses differing perceptions between men and women, reviews the “stoplight model,” highlights the advice line service, provides examples of unacceptable harassing behavior, discusses and dispels several myths about sexual harassment, and describes a number of actual Navy cases of sexual harassment that resulted in charges. Chapter III advises an individual being harassed how to respond, including offering sample phrases or sentences that could be used, and a checklist of things to do. Chapter IV reviews the more formal resolution procedure, including the rights and responsibilities of the victim. Chapter V discusses the roles of officers and supervisors, including prevention methods, interviewing methods, and disciplinary responsibilities and options. Chapter VI highlights the Navy’s automatic discharge for a single offense as well as the more serious punishments possible. Chapter VII

outlines the types of information that should be recorded in writing by the recipient of sexual harassment.

c. *Commander's Handbook: A Tool Kit for Prevention of Sexual Harassment.*

This comprehensive handbook compiles information from many sources and places it in one “tool kit” for commanders. The beginning chapter on policy responsibilities and definitions opens with the effects of sexual harassment on an individual and the organization. The next chapter is entitled “The Key--Establish a Positive Command/Activity Climate (‘An ounce of prevention. . .’).”⁵² It reviews all the actions a leader should take to foster a positive command environment. A “Roadmap for Handling Sexual Harassment Complaints,” a “Summary of the Informal Resolution System,” “Options for Correcting Civilian Offenders,” and “Options for Correcting Military Offenders” follow in the next chapters. The appendices include a sample policy statement, sample plan of the day memorandum notes, a listing of places to get resources and as well as the types of resources available, a schedule of offenses and recommended remedies, a bibliography of references related to sexual harassment, and a number of valuable case studies involving the informal resolution system.

⁵² Commander's Handbook: A Tool Kit For Prevention of Sexual Harassment, p.

d. Equal Opportunity Correspondence Course (NAVEDTRA 13099D).

This correspondence course, an independent study program that is available to all personnel, focuses on the information in the Equal Opportunity Manual and asks questions related to the manual.

D. ASSESSMENT GROUPS.

Assessment groups that review various aspects of sexual harassment can prove to be a bedrock of ideas and recommendations for improvement. Many of these groups review not only the policies and programs established in the military, but the success of the policy and program implementation. By examining the issues in a thorough and qualitative manner, these assessment groups can spotlight areas of weakness that may otherwise have gone unnoticed. The following section highlights some of the major groups that have reviewed aspects of sexual harassment in the U.S. Navy, specifically: the Navy Study Group on Progress of Women in the Navy, the Standing Committee on Women in the Navy, the Defense Advisory Committee on Women in the Services (DACOWITS), and the Defense Equal Opportunity Council (DEOC).

1. Navy Study Group's Report on Progress of Women in the Navy (1987) and Update Report on the Progress of Women in the Navy (1990).

The Navy Study Group on Progress of Women in the Navy addressed a wide variety of issues involving women in the Navy, including their expanding involvement into nontraditional roles and sexual harassment. The group is comprised of senior commissioned

officers and senior non-commissioned officers in the Navy. It issued two major reports, one in 1987 and another in 1990, which offer numerous recommendations for improvement.

2. Standing Committee on Women in the Navy.

Formed by the Under Secretary of the Navy in 1992, this group, has a number of responsibilities, including the development of recommendations to combat sexual harassment. The committee is chaired by the Assistant Secretary of the Navy for Manpower and Reserve Affairs, and membership includes some of the highest-ranking officers, enlisted personnel, and civilians in the Navy and Marine Corps. Members include, for example, the General Counsel of the Navy, the Vice CNO, the Assistant Commandant of the Marine Corps, the Commanding General of Marine Corps Combat Development Command, the Chief of Naval Education and Training, the Chief of Naval Personnel, the Master Chief Petty Officer of the Navy, the Sergeant Major of the Marine Corps, as well as others.

3. Defense Advisory Committee on Women in the Services (DACOWITS).

a. Background.

Established forty-five years ago to monitor, evaluate, and make recommendations on women's issues, this unique group of professionals conducts ongoing worldwide assessments of a wide range of issues. With a primary focus over the past several decades of facilitating women entering nontraditional fields, DACOWITS provides feedback and recommendations to Secretary of Defense, Congress, and the Services. DACOWITS members come from a variety of backgrounds and may include active duty and retired

military women, legal and health care professionals, psychologists, engineers, and business owners. They are legendary for being able to “tell it like it is.”⁵³

DACOWITS holds several conferences or meetings throughout the year. Numerous committees are responsible for specific areas, including one on Equality Management, on Forces Development and Utilization, and on Quality of Life. DACOWITS members visit a substantial number of military installations and conduct focus groups to ascertain the issues and concerns of the women and men in the services. They are intended to be a set of “eyes and ears in the field and fleet.”⁵⁴

b. Highlights.

In 1996, recommendations by DACOWITS included the following: provide women in basic training with the skills and rights to object to inappropriate behavior; measure harassment in the Reserves; and report data on incidences of violence against women in the workplace. At the same time, goals for 1997 were

to seek vigorous enforcement of laws, regulations and policies regarding violence, harassment and discrimination; to ensure that work environments reflect the highest standards of conduct and hold accountable those who interfere through intimidation, discrimination, hostility or offensive behavior; to assess career progression, leadership development and retention of military women, specifically in those career fields newly opened since 1993; and to

⁵³ Judith A. Youngmen. “Military Women Still Need an Independent Voice.”

Navy Times. March 17, 1997, p. 37.

⁵⁴ Ibid.

pursue quality health care, effective victim assistance and protection against violence for military women.⁵⁵

4. Defense Equal Opportunity Council (DEOC).

a. Background.

Established initially in accordance with the first DoD Directive 1350.2 in 1987, the DEOC was restructured in 1994 so that it would be chaired by the Deputy Secretary of Defense, with the Service Secretaries as members. Subsequently, the DEOC was led by the Secretary of the Air Force and the Under Secretary of Defense for Personnel and Readiness in an effort to formulate a plan that would reduce and eliminate sexual harassment within the military. In a five-part plan, DEOC established a Task Force on Discrimination and Sexual Harassment that was charged with the review of the militaries' discrimination complaints systems. This task force identified five principles as the framework for their list of 48 recommendations for improvement.

b. Highlights.

The task force stated, first, that the commanders' visible and unequivocal personal commitment and accountability were first and foremost to a successful EO program. Second, that DoD goals, principles and standards of performance must be incorporated into the military education programs, investigatory and disciplinary structures, and command responsibility. Third, that clear and concise written policies are needed to underscore the intolerance of discrimination and harassment, to facilitate recognition of offenses, and to

⁵⁵ Ibid.

explain the procedures for filing a complaint and the rights of those involved in doing so. Fourth, that EO and human relations training should be progressive throughout a member's career, and that training for leaders should stress personal involvement and accountability. And, finally, that the complaint system should be prompt, fair, and comprehensive; should allow for informal resolution; prevent reprisals; provide sanctions; and include support services.⁵⁶

The 48 specific recommendations were not new to the services. As Under Secretary of Defense Edwin Dorn stated in a briefing, "I should say in fairness that most of these ideas were in place in one of the services or in some of the agencies. . . ."⁵⁷ A close review of the 48 recommendations uncovered no new initiatives for the Navy, only reinforcement of standing orders.

E. MEASUREMENT INSTRUMENTS.

While assessment groups provide subjective feedback regarding the scope of sexual harassment, measurement instruments provide an analytical assessment of the level of sexual harassment. Although none of the measurement instruments are capable of capturing incident levels with perfect accuracy, they possess great value in providing a base level for

⁵⁶ Defense Issues. Volume 10, Number 64. "To Stop Harassment, Leaders Must Lead."

⁵⁷ Ibid.

tracking progress over time, as well as indicating which areas require more attention and efforts.

1. Command Assessment Team System (CATSYS).

CATSYS is the newly developed computer software package, implemented in early 1995, that the Navy uses to assess a command's EO climate. It is one of the key components in the Command Assessment Team (CAT) visit, under the Command Managed Equal Opportunity (CMEO) program, and is required within six months following a change of command and annually thereafter. CATSYS uses 38 items from the NEOSH Survey, and enables commanders to compare their unit against Navy-wide data. The software also allows commanders to tabulate results quickly and within their own command. Although only five of the questions on CATSYS are targeted specifically at sexual harassment, the survey does offer commanders an opportunity to create and add tailored questions that reflect their interests.

2. Military Equal Opportunity Climate Survey (MEOCS).

MEOCS is a DoD-wide survey that provides additional command climate insight, but requires the assistance of the research division of DEOMI to tabulate and read the results. The MEOCS is administered at the request of a unit commander, but is not a replacement for the required CATSYS.

3. U.S. Merit Systems Protection Board (MSPB) Survey.

The MSPB survey of federal workers was first issued in 1980 and was the first of its kind for the U.S. federal government. Follow-up studies were conducted in 1987 and 1994.

4. Department of Defense (DoD) Sexual Harassment Survey.

This military-wide survey was conducted in both 1988 and 1995. It is the most comprehensive survey of sexual harassment in the U.S. military services.

5. Navy Equal Opportunity Sexual Harassment Survey (NEOSH).

The results of this Navy survey are frequently cited by the Navy in briefings to commanders and the public. It has been conducted biennially beginning in 1989.

6. Management Information System.

The Discrimination and Sexual Harassment (DASH) Reporting System is a Navy-wide computer-based reporting system that tracks formal sexual harassment complaints. The Rape and Sexual Assault System (RASAS) tracks documented incidents of sexual assault and rape.

7. Attrition Rate Monitoring.

The Navy uses an exit survey to monitor attrition that may be related to sexual harassment.

There is little question that these measurement instruments offer the opportunity for assessment, evaluation, and improvement. However, some of the most valuable among them, CATSYS and DASH, for example, would be more beneficial if every command used

them appropriately and with consistency. Furthermore, the author found no evidence to suggest that these tools are being used as a catalyst for change. Rather, they seem to be more frequently cited as evidence of commitment.

F. SCOPE OF SEXUAL HARASSMENT.

This section provides a brief review of the statistical findings of the 1995 DoD Sexual Harassment Survey and the 1995/6 Navy Equal Opportunity Sexual Harassment (NEOSH) Survey, and discusses the effects of the different methodologies used by the two surveys. It then highlights the experiences and impact of sexual harassment as disclosed from personal interviews with recipients of sexual harassment.

1. A Statistical Assessment.

a. Results of the 1995 DoD Sexual Harassment Survey.

The 1995 DoD Sexual Harassment Survey offers a comprehensive assessment of sexual harassment and gender discrimination in the U.S. Department of Defense. Three surveys were used in the study. The first survey (Form A) was a reproduction of the first baseline study on sexual harassment performed in 1988 to allow for a comparison of incidence rates. The second survey (Form B) expanded the list of harassment behaviors, incorporated occurrences that were outside normal duty hours and off base, and added measures of the complaint process and training. Results were not calculated for the third survey (Form C), which was administered solely for research and transitional purposes. The

DoD survey has been criticized for being overly sensitive and overstating levels of harassment by pooling sexual harassment behaviors with gender discrimination behaviors.⁵⁸

The following segment provides a summary of the statistical findings of the 1995 DoD Sexual Harassment Survey. Specifically, using the results from Form A, it addresses the changes in sexual harassment levels between 1988 and 1995, and the amount of sexual and gender harassment indicated by survey respondents. From Form B, it shows the amount of sexual and gender harassment experienced by U.S. service members, and breaks out those who defined their experience as sexual harassment. Focusing specifically on the U.S. Navy, it highlights the types of behaviors most often reported by Navy service members, their level of understanding regarding the reporting process, their thoughts on the sexual harassment training they received, and their opinions concerning reprisal.

(1) Changes Between 1988 and 1995 Levels of Harassment. Form (A) survey results show a decrease in sexual harassment of all forms by U.S. military personnel, as Table 1 indicates. Sexual teasing, jokes, and remarks remained the highest reported experienced behavior for both men and women in 1988 and 1995. Nevertheless, the percentage decreased for women from 52 percent to 44 percent and for men from 13 to 10 percent. When broken down by service, Navy women reported the greatest reduction, a 13 percent decline, in experiencing unwanted, uninvited sexual attention, from 66 percent

⁵⁸ Phone conversation with Senior Chief Richard, Navy Bureau of Personnel, March 1997.

in 1988 to 53 percent in 1995. During this seven-year period, the military services instituted a “laundry list” of new training programs and support systems, and continually reinforced their “zero tolerance” policy. DoD reports suggest that “these survey results are encouraging.”⁵⁹

(2) Experienced Sexual/Gender Harassment. The expanded Form B results indicate a higher number of incidents in the services than the Form A results, partly due to the expanded context for reporting, and the increase from 10 to 25 behaviors. This survey incorporates harassment that is gender-related as well, such as sexist behavior. The Form B results show that 78 percent of U.S. servicewomen and 38 percent of U.S. servicemen reported experiencing any type of unwanted sex/gender-related experiences, as compared with 44 percent for women and 10 percent for men reported in Form A.

⁵⁹ Department of Defense 1995 Sexual Harassment Study. July 9, 1996, pp. 1-10.

TABLE 1
SEXUAL HARASSMENT BEHAVIOR EXPERIENCED
BY U.S. SERVICEMEMBERS, BY GENDER¹
(1988/1995 DEPARTMENT OF DEFENSE SURVEYS)

Behavior ^{2,3}	Percent			
	Women		Men	
	1988	1995	1988	1995
Sexual teasing, jokes, remarks	52	44	13	10
Suggestive looks, gestures	44	37	10	7
Touching, cornering, pinching	38	29	9	6
Whistles, calls	38	23	5	3
Pressure for dates	26	22	3	2
Pressure for sexual favors	15	11	2	1
Letters, telephone calls	14	12	3	2
Attempts to get your participation in any other sexual activities	7	7	2	2
Other	5	5	1	1
Rape/Assault ⁴	5	4	0	0

Source: 1995 DoD Sexual Harassment Surveys, Form A as cited in Defense Manpower Data Center Report No. 96-014, December 1996.

Note¹: Data for personnel in all military services.

Note²: Behavior experienced during the past year from military persons at work while serving in the active-duty military. Respondent does not necessarily define these behaviors as sexual harassment.

Note³: Multiple responses allowed.

Note⁴: Includes attempts.

(3) Sexual/Gender Harassment Experienced by U.S. Service Members and Those Who Defined it as Sexual Harassment. The Form B Survey also distinguishes between personnel who experienced the types of behaviors listed, and those who define the experienced behaviors as sexual harassment. The results show that many U.S. military personnel did not label the behaviors as sexual harassment, as Table 2 illustrates. In fact, the 1995 average for all servicewomen fell from 78 percent who experienced the listed types of unwanted sexual behaviors to 52 percent who reported that they considered it to be sexual harassment. Similarly, an average of 38 percent of servicemen reported experiencing the behaviors, but only 9 percent considered them to be sexual harassment.

TABLE 2

UNWANTED SEXUAL ATTENTION FOR U.S. SERVICEMEMBERS¹ AND PERCENT THAT CONSIDERED IT TO BE SEXUAL HARASSMENT, BY GENDER
(1995 DEPARTMENT OF DEFENSE SURVEY)

Behavior/Attitude	Percent ²	
	Men	Women
Any type of Unwanted Sex/Gender-Related Experience	38	78
<i>Considered Unwanted Sexual Attention to be Sexual Harassment</i>	9	52

Source: 1995 DoD Sexual Harassment Surveys, Form B as cited in Defense Manpower Data Center Report No. 96-014, December 1996.

Note¹: All U.S. Military Services are reflected in these figures.

Note²: Behavior experienced during the past year from military persons on or off duty, on or off base and/or civilian employees or contractors.

(4) Types of Behaviors Reported. Table 3 shows the experiences of surveyed Navy personnel, indicating that 77 percent of Navy women and 39 percent of Navy men responded that they had experienced some form of unwanted sex/gender-related experiences. Both Navy men and women most frequently reported experiencing Crude/Offensive Behaviors, which include offensive jokes, remarks, or gestures. Additionally, the greatest gender gap was in the Sexist Behaviors category, where 62 percent of Navy women reported it compared with 14 percent of Navy men. Sexist Behaviors include sexist remarks, condescending treatment, and verbal or nonverbal behaviors that convey offensive attitudes based on gender.

(5) Understand the Reporting Process. Of Navy personnel, 70 percent understand the process to a “Large Extent,” 21 percent “Small to Moderate Extent,” and 9 percent “Do Not Understand” the process for reporting sexual harassment.

(6) Sexual harassment training. Of the Navy respondents, 95 percent received some training related to sexual harassment. In response to the statement, “I know what kinds of words or actions are considered sexual harassment,” 85 percent of Navy members responded “Large Extent,” 13 percent responded “Small to Moderate Extent,” and 2 percent responded “Not true” in the survey. When asked “How effective was the training you received in actually reducing/preventing sexual harassment, 62 percent of the Navy responded that it was

“Moderately or Very Effective,” 29 percent of the Navy women reported that it was “Slightly Effective,” and 9 percent of Navy women reported that it was “Not Effective.”

TABLE 3
UNWANTED SEXUAL OR GENDER-RELATED ATTENTION
EXPERIENCED BY U.S. NAVY PERSONNEL, BY GENDER¹
(1995 DEPARTMENT OF DEFENSE SURVEY)

Behavior ^{2,3,4}	Percent	
	Men	Women
Any type of Unwanted Sex/Gender-related experiences	39	77
Crude/Offensive Behavior	37	68
Sexist Behavior	14	62
Unwanted Sexual Attention	8	40
Sexual Coercion	2	11
Sexual Assault	1	6

Source: 1995 DoD Sexual Harassment Surveys, Form B as cited in Defense Manpower Data Center Report No. 96-014, December 1996.

Note¹: Data for U.S. Navy personnel only.

Note²: Behavior experienced during the past year from military persons on or off duty, on or off base and/or civilian employees or contractors. Respondent does not necessarily define these behaviors as sexual harassment.

Note³: The 25 items were factor analyzed into 5 categories: 1) Crude/Offensive--sexual jokes, stories, whistling, staring; 2) Sexist--insulting, offensive and condescending based on gender; 3) Unwanted Sexual--touching, fondling, asking for dates 4) Coercion--quid pro quo instances, job benefits/losses based on sex; 5) Assault--unsuccessful/successful attempts at rape

Note⁴: Multiple responses allowed

(7) Reprisal. In response to the statement, “I feel free to report sexual harassment without fear of bad things happening,” 57 percent of Navy women

responded to a "Large Extent," 26 percent of women responded to a "Small or Moderate Extent," and 17 percent responded "Not True" in the survey.

In summary, Form A of the survey suggests a decrease in all forms of sexual harassment by U.S. military personnel, with sexual teasing, jokes, and remarks remaining the type of behavior indicated as most frequently experienced. Form B results (78 percent--women) indicate much higher levels of sexual and gender harassment than Form A (44 percent--women). The number of personnel who define their experiences as sexual harassment (52 percent--women) is much lower than those who indicated they had experienced the type of behaviors listed (78 percent--women). Navy members reported a similar level of sexual or gender harassment (77 percent--women) and a similar type most commonly experienced--sexual jokes, remarks, and gestures. A majority of Navy personnel (70 percent) indicate that they understand the reporting process, that they receive some form of sexual harassment training (95 percent), and feel free to report sexual harassment without fear of reprisal (57 percent--women).

b. Results of the 1995/6 Navy Equal Opportunity Sexual Harassment (NEOSH) Survey.

As previously noted, the Navy most frequently refers to the results of the NEOSH survey in discussing levels of sexual harassment. For example, the Navy Bureau of Personnel refers to the NEOSH in their briefing packages to commanders and admirals, in their media releases, and in phone discussions.⁶⁰ This survey--which has been conducted

⁶⁰ Phone conversations with Senior Chief Richard, Navy Bureau of Personnel,

in 1989, 1991, 1993, and 1995/6-- offers a continuing comparison of levels of sexual harassment. The 1995/6 survey is usually referred to as the 1996 survey, for simplicity.

There is a tremendous discrepancy between the reported levels of sexual harassment in the 1995 DoD Sexual Harassment Survey and the NEOSH survey. In contrast to the DoD survey, the NEOSH survey has been criticized for being conservative and for providing an under-reporting of levels of sexual harassment.⁶¹ Several reasons may account for these differences.

One difference between the NEOSH and DoD surveys that may account for a small portion of the variation in the statistics is the location of the harassment. The DoD statistics capture incidents that occur in the full range of locations defined as the work environment in SECNAVINST 5300.26B. The NEOSH study, on the other hand, asks personnel to list the types of unwanted and inappropriate behaviors that have occurred “while on duty, or on base or ship,” as previously noted. Separate questions later address off-base incidents, but do not list the type of behaviors. This separation reduces the reported incidence rate even more. A footnote in a paper that reports the results of the 1993 NEOSH survey further explains:

March 1997 and Pat Thomas, Navy Personnel Research and Development Center, February 1997.

⁶¹ Phone conversation with Paul Rosenfeld, Navy Personnel Research and Development Center, on 20 March 1997.

Twenty-one percent of the enlisted women and 10 percent of the women officers had been sexually harassed by Navy personnel while off base and off duty. Additionally, 8 percent of the enlisted women and 3 percent of the women officers had been sexually harassed at an off-base Navy-sponsored event. Because these questions had not been included in prior NEOSH Surveys, and there was a need to make cross-year comparisons, these women were not added to victims who had been harassed while on duty or on the base.⁶²

This footnote was the only place in the report where these incidents were addressed, and the 1995 survey results do not include them at all.

The most significant reason for the variation in results between the NEOSH and DoD survey, however, can be attributed to differences in methodology. The DoD survey draws on behavioral experiences. It initially asks respondents to identify behaviors they have experienced, without attaching the label of sexual harassment to them. The NEOSH survey, in contrast, immediately asks if an individual has experienced sexual harassment, and then asks that they identify the forms. Although the NEOSH study provides a clear definition of sexual harassment prior to asking any questions, it assumes that respondents will take the additional time to read the NEOSH definition, instead of going by their own, previously conceived definition. Moreover, respondents are “rewarded” for answering “no” to the question of whether or not they have experienced sexual harassment at the very beginning

⁶² Thomas, Newell, and Eliassen, “Sexual Harassment of Navy Personnel: Results of a 1993 Survey, Navy Personnel Research and Development Center (NPRDC-TN-96-1), page 7.

of the section. That is, they get to skip nearly a page and a half of related questions by answering “no.”

This observation is supported by the results from an alternative form of the 1991 NEOSH survey that was developed specifically to test the hypothesis that the NEOSH survey results were lower because of the methodology. The results from the alternative survey were substantially higher, and more comparable to figures reported in the DoD survey and the U.S. MSPB survey. For example, while the 1991 NEOSH survey reported only 44 percent of female enlisted personnel had experienced sexual harassment, the alternate survey for the same year reported 74 percent. Similarly, 33 percent of the female officers reported sexual harassment in the original NEOSH, and 60 percent did so in the alternate.⁶³

The complexity of measuring sexual harassment becomes apparent in these differences. Culbertson and Rosenfeld, authors of the NEOSH survey, argue in support of the NEOSH approach in a 1994 paper. They state that the behavioral experience method captures “the more severe behaviors involving unwanted touching or assault;” but

the single occurrence of less severe behaviors, such as whistles and jokes, may not create the hostile work environment required to establish sexual harassment from a legal standpoint . . . Furthermore, there is often widespread disagreement that all or some of the behaviors falling within a category constitute sexual harassment.⁶⁴

⁶³ Amy L. Culbertson and Paul Rosenfeld. “Assessment of Sexual Harassment in the Active-Duty Navy.” *Military Psychology*, Volume 6, number 2, 1994, pp.75-83.

⁶⁴ *Ibid.* p. 87.

The weakness in this approach, however, is that it relies on an individual's definition of sexual harassment, instead of the Navy's. As Thomas concludes in her study, "Gender Differences in Conceptualizing Sexual Harassment":

- 1) Many Navy personnel do not consider mild forms of sexually-inappropriate behavior to be sexual harassment. Many do not know that the Navy's definition of sexual harassment also includes these behaviors.
- 2) Many enlisted women, particularly those in sea-intensive ratings and work centers experience mild forms of sexual harassment regularly.
- 3) Enlisted personnel often do not label as "sexual harassment" behavior that they believe interferes with work performance or creates a hostile environment.
- 4) Sexual harassment of Navy personnel occurs not only within the work center but also on-base settings outside of work.⁶⁵

The Thomas study, the alternate and original NEOSH surveys, and the DoD Sexual Harassment Surveys all clearly demonstrate that many milder forms of inappropriate behavior are occurring. The question, then, ultimately becomes one of definition.

The Navy clearly lists the surveyed types of behaviors as examples of sexual harassment in their policy and in their training. Furthermore, even if the target person does not deem the behavior sexual harassment, others in the office may find that the behavior creates a hostile environment. By discounting the DoD survey, relying solely on the NEOSH survey, and suggesting that it is not sexual harassment if the member does not define it as such, the U.S. Navy is potentially perpetuating the culture as it presently exists.

⁶⁵ Marie Thomas. "Gender Differences in Conceptualizing Sexual Harassment," January 1995.

Culbertson and Rosenfeld admit that “the behavioral experiences approach . . . should be further evaluated.”⁶⁶ They suggest an alternative that uses the behavioral experiences approach, but which also takes into account whether or not the respondent considered the experience to be sexual harassment. This approach is used in the 1995 DoD Sexual Harassment Study.

The results of the NEOSH survey, consequently, may only be revealing the way U.S. Navy personnel define sexual harassment, in addition to the more serious forms of sexual harassment, instead of the actual behavior in the workplace. Rosenfeld states that, were he to create a survey today, he would likely change the methodology, but that the great value of the NEOSH survey is the continuity factor that allows for comparisons over the years.⁶⁷ Most significantly, he suggests that one approach might be to remove the question, “Have you been sexually harassed?” from the survey altogether, thereby eliminating the tendency to summarize quickly the entire survey into one statistic, be it the low percentage in the NEOSH survey, or the high one in the DoD survey. Rosenfeld also observes that it would be more beneficial to classify harassment into levels of severity, and to refocus the commanders reviewing the results of the study on the undesired behaviors that are within the work environment. He suggests that milder forms of harassment may create a tone that

⁶⁶ Ibid, p. 88.

⁶⁷ Phone conversation with Paul Rosenfeld, Naval Personnel Research and Development Center, March 20, 1997.

encourages the more severe forms of harassment. The “bottom line” is getting commanders to act in response to the survey information, instead of viewing the survey as some type of solution. Changing the methodology of the study at this point would not make that difference, he argues.⁶⁸

Understanding the effects of the methodology used in the NEOSH survey is useful in interpreting the statistical results of the NEOSH survey. The next section provides an overview of the changes in levels of sexual harassment according to respondents, the most common form of sexual harassment, the differences between levels of sexual harassment at sea or shore commands, the command climate, and actions taken after experiencing sexual harassment.

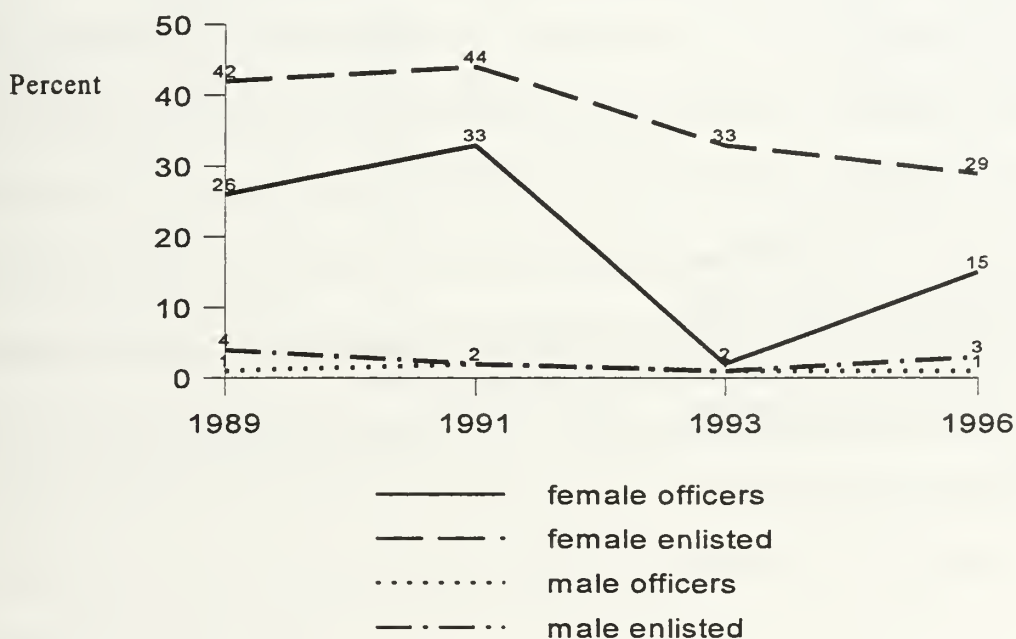
(1) Changes Over the Years. As illustrated in Table 4, there has been a decline in the number of women who stated that they were sexually harassed, with 29 percent of enlisted females and 15 percent of officer females reporting sexual harassment in the 1996 survey. The percentage of men has changed very little, with 3 percent of enlisted and 1 percent of men reporting sexual harassment in the 1996 survey.

(2) Types of Behaviors Reported. Both women officers and enlisted reported sexual teasing and jokes, followed by sexual looks and staring as the most common form of harassment. This fact is highlighted in Table 5, which illustrates the responses to the types of listed behaviors.

⁶⁸ Ibid.

TABLE 4

**PERCENT OF NAVY PERSONNEL WHO SAID THEY WERE SEXUALLY HARASSED,
BY GENDER AND OFFICER/ENLISTED STATUS**
(1988, 1991, 1993, AND 1996 NAVY EQUAL OPPORTUNITY SEXUAL HARASSMENT SURVEYS)



Source: "Results of the 1996 Navy Equal Opportunity Sexual Harassment Survey" by Paul Rosenfeld and Amy Culbertson, Navy Personnel Research and Development Center.

Note¹: Data for U.S. Navy personnel only.

Note²: Behavior experienced only while on duty, or on base or ship and defined by respondent as sexual harassment.

Note³: Multiple responses allowed.

TABLE 5

**SEXUAL HARASSMENT BEHAVIORS EXPERIENCED BY U.S. NAVY WOMEN
DURING THE PAST YEAR, BY OFFICER/ENLISTED STATUS**
(1996 NAVY EQUAL OPPORTUNITY SEXUAL HARASSMENT SURVEY)

Behavior ^{1, 2, 3}	Percent	
	Enlisted	Officer
Sexual teasing, jokes	30	14
Sexual looks, staring	29	12
Sexual whistles, calls	24	9
Deliberate touching	20	5
Pressures for dates	20	5
Letters, phone calls	10	4
Pressure for sexual favors	11	2
Stalking or invasion of residence	5	2
Actual or attempted rape/assault	4	1

Source: "Results of the 1996 Navy Equal Opportunity Sexual Harassment Survey" by Paul Rosenfeld and Amy Culbertson, Navy Personnel Research and Development Center.

Note¹: Data for U.S. Navy women only.

Note²: Behavior experienced only while on duty, or on base or ship and defined by respondent as sexual harassment.

Note³: Multiple responses allowed.

(3) Sea/Shore Differences. A larger number of Navy female officers report that they were sexually harassed at sea (27 percent) as compared with shore (14 percent). The comparable rates for female enlisted personnel are 32 percent at sea and 29 percent on shore.

(4) Sexual Harassment Climate. A large majority of male and female officer and enlisted personnel indicated their belief that the Navy and their command are taking actions to prevent sexual harassment, as indicated in Table 6. Nevertheless, 61 percent of female officers and 58 percent of female enlisted personnel, as well as 40 percent of male officers and 41 percent of male enlisted personnel, responded that they believe sexual harassment is a problem in the Navy.

(5) Actions Taken after Sexual Harassment. The majority of female officers (59 percent) and enlisted personnel (70 percent) avoided the person who committed the harassment. An equal number of enlisted women (70 percent) told the person to stop, although only 53 percent of the officers chose this response. Table 7 illustrates the courses of action taken by enlisted and officer women after sexual harassment. The chain of command was used to fix the problem in a relatively small percentage of the time for all women. The most common reasons given for not filing a complaint are illustrated in Table 8. It shows that the largest proportion of enlisted women, 48 percent, thought it would make the workplace unpleasant, while the largest proportion of officer women, 55 percent, solved the problem by other actions.

TABLE 6
SEXUAL HARASSMENT CLIMATE EXPERIENCED BY
U.S. NAVY PERSONNEL
(1996 NAVY EQUAL OPPORTUNITY SEXUAL HARASSMENT SURVEY)

Questionnaire Statement	Percent			
	Enlisted		Officer	
	Women	Men	Women	Men
Actions are being taken in the Navy to prevent sexual harassment.	82	89	91	96
Actions are being taken at this command to prevent sexual harassment.	73	78	84	88
Leadership at this command enforces Navy sexual harassment policy.	74	85	85	92
Sexual harassment is taken seriously at this command.	64	74	72	84
I know what words or actions are considered sexual harassment.	96	92	98	97
Sexual harassment is a problem in the Navy.	58	41	61	40

Source: "Results of the 1996 Navy Equal Opportunity Sexual Harassment Survey" by Paul Rosenfeld and Amy Culbertson, Navy Personnel Research and Development Center.

TABLE 7

**ACTIONS TAKEN BY U.S. NAVY WOMEN AFTER SEXUAL HARASSMENT,
BY OFFICER/ENLISTED STATUS**

(1996 NAVY EQUAL OPPORTUNITY SEXUAL HARASSMENT SURVEY)

Actions ^{1,2}	Percent	
	Enlisted	Officer
I avoided the person.	70	59
I told the person to stop.	70	53
I got someone else to speak to the person.	34	16
I threatened to tell or told others.	28	22
I reported it to someone besides my supervisor.	27	26
I used the chain-of-command to fix the problem.	21	12
I filed a complaint.	18	6

Source: "Results of the 1996 Navy Equal Opportunity Sexual Harassment Survey" by Paul Rosenfeld and Amy Culbertson, Navy Personnel Research and Development Center.

Note¹: Only the most frequent actions are listed.

Note²: Multiple responses allowed.

TABLE 8

**REASONS GIVEN BY U.S. NAVY WOMEN FOR NOT FILING A COMPLAINT,
BY OFFICER/ENLISTED STATUS**
(1996 NAVY EQUAL OPPORTUNITY SEXUAL HARASSMENT SURVEY)

Reasons ¹	Percent	
	Enlisted	Officer
I thought it would make the work situation unpleasant.	48	44
I solved the problem by my other actions.	47	55
I did not think anything would be done.	32	29
I did not want to hurt the person who bothered me. ²	32	*

Source: "Results of the 1996 Navy Equal Opportunity Sexual Harassment Survey" by Paul Rosenfeld and Amy Culbertson, Navy Personnel Research and Development Center.

Note¹: Multiple responses allowed.

Note²: Only the most frequent actions are listed. *Data not available for officers on this response since it was not one of the most frequent given.

2. A Qualitative Look at Sexual Harassment.

Statistical analyses often offer people a comfortable distance from which to view uncomfortable issues. The actual stories of individual experiences regarding sexual harassment and the perceptions that surround an individual's view of sexual harassment are important avenues to ensuring a more thorough understanding of the impact and implications of sexual harassment. The following section provides a look at the impact of sexual harassment upon a number of women officers, examples of the type of stories readily available from women officers, and a brief summary of a study which highlights significant gender issues in defining and interpreting sexual harassment behaviors.

a. *The Margosian and Ventrzyk Interviews.*

Margosian and Ventrzyk offer a unique view of the experiences of sixty-one women Navy and Marine Corps officers in a 1994 Master's thesis at the Naval Postgraduate School.⁶⁹ Through in-depth interviews, they capture the essence of shock, disbelief, disappointment, outrage, and frustration among women who have experienced sexual harassment or sexist behavior. The authors support the premise that incidents of sexual harassment are, in fact, part of a larger question involving the culture of the Navy toward women in general, and that the real issue is power. As Margosian and Ventrzyk observe:

⁶⁹ Margosian, Mary Ann B. And Judith M. Ventrzyk "Policies, Practices, and the Effect of Gender Discrimination on the Integration of Women Officers in the Department of the Navy." March 1994, NPS, Monterey, CA.

The women in this study all related at least one incident, and in some cases, many incidents, which occurred over a span of time and at different commands, where men voiced their objections to women in the military. Women officers reported that they were continually reminded by military men that they upset the balance and harmony, as well as the bonding process normally found in an all-male military, not by their action or performance, but by their very presence.

Nearly all the women interviewed for this study expressed initial shock and disbelief at the treatment. . . . Most had not previously been subject to such a virulent form of harassment. As a result, such malicious behavior was difficult for them to understand.⁷⁰

b. Focused Interviews with Women at Naval Postgraduate School 1996.

Informal focused interviews with seven women officers in the Manpower Systems Analysis Curriculum at Naval Postgraduate School (Class of March 1997) revealed that six had experienced sexual harassment. Interestingly, the one and only woman who had not experienced any incidents of sexual harassment had worked at commands where at least half of the workforce was comprised of women. A few of the incidents of sexual harassment experienced by the other women are described below:

(1) The Command Duty Officer (CDO) Incident. One woman was working with the Command Duty Officer (CDO) to sign off a list of items required for the Personal Qualification Standards (PQS) of her qualifying watch as Assistant Command Duty Officer. The CDO would be providing the Commanding Officer (CO) with the ultimate

⁷⁰ Ibid., 70-71.

recommendation on whether she was ready to be approved as a CDO. The CDO put his arms on either side of her while she was on the phone and began breathing down her neck. When she escaped and finished the call, she announced she was leaving. He physically cornered her and made it clear that he did not want her to leave . . . at all . . . for the night. She managed to escape and leave. Her self-disclosed emotions ranged from a fear of rape to disbelief, confusion, anger, serious concern regarding her recommendation for CDO, and the belief that no one would believe the story--and that the CDO would deny it.

(2) Cornered in a Classroom by the Section Leader. Another woman was cornered in a classroom by her section leader and told in graphic detail what he wanted to do to her sexually. She angrily told him that she did not want to hear it. He then pulled rank and offered her a variety of special favors in return for sex. When she rebutted him again, he became angry and agitated and physically pinned her to the wall. The woman relayed that she was really angry and scared because the man was physically large. The woman could not remember how she escaped, but she did remember what happened when she reported the incident to the man's direct senior. The direct senior said, "well, you were asking for it," and "so what's the big deal? So what if you have sex with him?"

(3) The "Mile High Club" Offer. Another woman, while flying in an airplane with her training instructor and other students, was asked by the instructor over the intercom so that only she could hear, if she wanted to become a member of the "Mile High Club." (Membership involves having sexual intercourse while flying in the airplane.)

This training instructor had a lot of power over the woman's recommendation for jets. She told him she did not work that way. She revealed that the incident haunted her and caused her to have an emotional breakdown during an unrelated training evolution. She was consumed with anger, frustration, and disappointment that all of her hard work to get to fly jets may have been for nothing now. In fact, the training instructor did not give her the recommendation for jets.

Many of the women stated that the working relationship between the involved individuals was severely degraded or destroyed entirely, that they were angry, demoralized, fearful of their safety, confused, embarrassed, and hurt. One woman officer, whose senior enlisted staff member made sexual comments about her butt, stated, "I didn't know how to get the respect back, because I didn't know how I had lost it to begin with." Ultimately, all of the women underscored the fact that sexual harassment degrades mission readiness and unit effectiveness.

c. A Matter of Interpretation.

In a study of enlisted men and women, Thomas found significant gender differences in defining and interpreting sexual harassment. The study was conducted using survey data from questionnaires and a subsample of participants in focus groups. Some of the findings are described below.

(1) The Definition of Sexual Harassment. Mild, ambiguous scenario behaviors, such as dirty jokes and course language, were generally not viewed as sexual

harassment. Many believed the Navy did not consider these behaviors to be sexual harassment.

(2) Seriousness of Sexual Harassment Behaviors by Gender.

Overall, women rated the harassment behaviors as more serious than men, and women were more likely than men to regard these behaviors as sexual harassment.

(3) Perceptions of the Opposite Gender's Ratings of Sexual Harassment. Men tended to overestimate the "average" woman's ratings of the behaviors.

Women tended to greatly underestimate men's ratings.

(4) Hostile Environment. Both female and male participants were more likely to rate scenario behaviors as interfering with work performance and creating a hostile environment than they were to label the behaviors "sexual harassment."

(5) Negative Attitudes Toward Women. Women participating in focus groups indicated that their male coworkers often expressed negative attitudes toward Navy women. Some women thought men were punishing women for the Navy's current sensitivity to sexual harassment.⁷¹

A "gender gap" was uncovered in this study on a variety of issues.⁷² The differences in the male and female perceptions of the definition of sexual harassment and of the seriousness of sexual harassment behaviors adds yet, another, component which

⁷¹ Marie D. Thomas. "Gender Differences in Conceptualizing Sexual Harassment." San Diego, CA. January 1995. NPRDC-TR-95-5.

⁷² Ibid.

complicates the efforts to eliminate sexual harassment in the military. The fact that military members experience behaviors that are defined by Navy policy to be sexual harassment, behaviors that they indicate do affect their work environment, but that they themselves do not recognize as sexual harassment, further undermines the effort to reduce sexual harassment. Another aspect of this subject which deserves considerable attention is the indication that many males express negative attitudes toward the presence of women in the Navy.

The experiences of women who have been sexually harassed offer a "human face" to the cold statistics that too often can leave readers unaffected. Their stories reflect the range of emotions, including shock, disbelief, and frustration, that are common to them following a sexual harassment incident. The common theme that sexual harassment degrades mission readiness and unit effectiveness cannot be ignored. Nor can the suggestions that men and women perceive sexual harassment differently, that sexual harassment incidents that create a hostile environment are often not labeled to be sexual harassment, and that negative attitudes toward women are common throughout the Navy.

In summary, while the U.S. Navy recognized sexual harassment in 1987, it took a watershed event such as the infamous Tailhook '91 to disclose the depth and pervasiveness of dangerous attitudes that were perpetuating sexual harassment. Clearly, the U.S. Navy has addressed the issue with a large number of policies and programs to eliminate sexual harassment, and assessment groups have proven to be of considerable influence in shaping

these policies and programs. The Command Managed Equal Opportunity Program (CMEOP) is one program that is especially deserving of recognition for its comprehensive nature and preventive approach at the command level. Statistical tools, which are used substantially to define the level of sexual harassment as well as the more subjective assessments, indicate that sexual harassment remains a pervasive problem in the U.S. Navy. Continued efforts toward the cultural changes required to eliminate sexual harassment are needed. Perhaps, by analyzing the actions of other TTCP countries, the U.S. Navy can find some of the answers needed in answering the question, "What next?"

III. THE NEW ZEALAND DEFENCE FORCE (NZDF)

A. BACKGROUND.

1. Initial Recognition.

New Zealand women began to discuss sexual harassment experiences occurring in their working environments in the 1960s and 1970s. However, in the early 1980s, the Human Rights Commission was the only organization capable of dealing with the issue; and it was not until the 1990s that sexual harassment was recognized in New Zealand law as a legal injury. Two legal acts containing sexual harassment definitions, the Employment Contracts Act 1991 and the Human Rights Act 1993, were very influential in the process of establishing organizational policy for the NZDF. Additionally, the recommendations of the April 1995 Report on “Good Working Relationships (GWR) in the NZDF” appear to have been a motivating force, resulting in the more current Defence Force Orders 4/1996 and 9/1996, which expands the restricted behaviors beyond sexual harassment to all forms of harassment, thereby removing the notion that it is a “women’s issue.”

2. Watershed Events.

Although New Zealand has not had a watershed event in its own defense forces, the nation reacted strongly to the 1991 Tailhook incident in the U. S. Navy and the 1992 HMAS Swan incident in Australia (which is discussed in detail in Chapter V). Senior management

was alerted to the issues and the need for action.⁷³ As a result, “the GWR initiatives being taken by the NZDF can therefore be seen to be positive and without the ‘reactionary responses’ that have been experienced by the United States and Australian Defence Forces.”⁷⁴

3. Number and Roles of Women.

As of June of 1996, 14 percent of the NZDF, or 1,337 out of 9,552 personnel, were women. Government policy prohibits women from being intentionally sent into combat, but allows them to perform combat-related duties in a combat zone and permits them to train for combat. As a result, women are not allowed to be divers or attached to frigates in the Navy, are restricted from serving in the Army infantry and artillery, and are not authorized to be strike pilots.⁷⁵

B. REVIEW OF POLICIES.

Despite the fact that the NZDF has recognized sexual harassment more recently and that they have not had a watershed event of their own, NZDF has a sound structural

⁷³ Letter from New Zealand Headquarters, HQNZDF 1770/21/3 of 12 April 1995

⁷⁴ Report on the Review of Good Working Relationship in the New Zealand Defence Force, April 1995, p. 6.

⁷⁵ Clare Bennett. Headquarters New Zealand Defence Force Facsimile Report of May 6, 1997.

framework established in their binding laws and policies. The following section will list the legislative and policy references, and offer policy highlights.

1. Legislative References.

- a. The Employment Contracts Act 1991.*
- b. The Human Rights Act 1993.*
- c. The Armed Forces Discipline Act 1971.*
- d. The Defence Act 1990.*
- e. The Crimes Act 1961.*

2. Policy References.

- a. NZDF Civilian Code of Conduct.*
- b. 1994 General Collective Employment Contract.*
- c. Defense Force Order (DFO) 2/93; DFO 4/96 NZDF Discrimination and Harassment Prevention Policy; DFO 9/1996 Equal Employment Opportunity Policy.*
- d. Service specific policies: Air Force NZAP 304, ch. 4, section 2; Army CGS policy directive 23/93.*

3. Policy Highlights.

The April 95 NZDF GWR Review Report prompted numerous changes. An indication of this change can be seen in the shift of focus in the stated definition of sexual harassment in their Defense Force Order (DFO) 2/93 to the one found in the more recent DFO 4/96. DFO 2/93 describes and emphasizes the most severe form of sexual harassment, the use of authority to demand sex. The newer DFO 4/96, however, emphasizes the more

common, subtle types of sexual harassment behaviors. The DFO 2/93 defines sexual harassment as follows:

The use of authority or rank to demand sexual favours (i.e. sexual intercourse, sexual contact, or other forms of sexual activity).

The implicit or overt promise of preferential treatment in a Service member's career or employment (e.g. in terms of personal reports, promotion, pay, postings, training opportunities) in return for sexual favours.

The implicit or overt threat of detrimental treatment in a Service member's career or employment if sexual favours are denied.

The direct or indirect subjection of a Service member to sexual comment or behaviour which is unwelcome or offensive to the Service member and which is either repeated or of such significance that it has a detrimental effect on the individual's service, job performance or job satisfaction (e.g. unwanted and deliberate physical contact, unwelcome social invitations or telephone call, uncalled for or suggestive remarks).⁷⁶

The more current DFO 4/96 defines sexual harassment in the following manner:

Harassment means being subjected to unwelcome verbal or physical behaviour . . . refers to behaviour that is unsolicited, personally offensive, and fails to respect the rights of others . . . demeaning to another person's status . . . unwelcome, unreciprocated, usually (though not always) repeated . . . examples include. . . .⁷⁷

The examples provided are those that were found to be most prevalent in the NZDF according to its 1994 survey. The policy continues with definitions of racial harassment and gender harassment as well. "Gender harassment" is defined as follows:

⁷⁶ DFO 2/1993

⁷⁷ DFO 4/1996

This type of harassment stereotypes a person according to gender or sexual preference. It includes openly discussing views in which the other sex is portrayed as inferior or subordinate, or using gender based or sexist derogatory terms. Examples include blaming women for pregnancy, demeaning men who are physically weak, using derogatory language about men and women who do not fit the male or female stereotype.⁷⁸

Thus, DFO 4/96 expands the definitions beyond sexual harassment to the more general types of harassment. Again, these changes appear to be in response to the findings of the April 1995 NZDF GWR Review findings and recommendations, as is discussed later.

C. SEXUAL HARASSMENT TRAINING AND ASSOCIATED PROGRAMS.

The NZDF has a variety of programs that address sexual harassment. However, as indicated in the policy highlights, most programs are aimed to eliminate all forms of harassment, including sexual harassment. A brief summary of these programs is presented below:

1. Anti-Harassment Advisers (AHA).

Selected on the basis of their skills, Anti-Harassment Advisers, previously referred to as Points of Contact (POCs), are volunteers who have been trained by outside consultants in the Royal New Zealand Navy (RNZN). They are appointed by Commanders and provided initial training in the NZ Army. They are existent in only two of the Royal New Zealand Air Force (RNZAF) bases without any directives or training, and, as of yet, they are completely nonexistent in HQ NZDF. AHAs work in an advisory role to provide immediate and

⁷⁸ Ibid.

impartial support to a complainant, but they are not involved in investigations or as advocates in any way.

Some portions of the NZDF opposed a separate system for managing harassment, believing it would undermine the chain of command.⁷⁹ The new policy attempts to balance the concerns of both the command and the complainant. The information an AHA receives from a complainant is treated as confidential. To reveal any details, the AHA must receive the consent of the complainant prior to release. However, AHAs are expected to advise commanders and managers of the types of discrimination and harassment that have been brought to their attention.

2. Command Level Training.

Training on the unacceptableness of sexual harassment, associated policies, and the costs of harassment is provided at the command level.

3. Officer Leadership Courses.

Training on expected standards of professional behavior and morals is provided to the officer cadre in the Navy, Army, and the Air Force.

⁷⁹ Report on the Review of Good Working Relationship in the New Zealand Defence Force, April 1995, pp. 25-31.

4. Training Modules and Packages.

a. Command Training Modules.

Training packages developed in 1995 assist commands in conducting training. EEO points of contact, AHAs and instructors also receive training and training packages for assistance in their teaching.

b. Investigator's Training Module.

The module entitled "Investigating Sexual Harassment" offers a comprehensive overview of important guidelines. It defines sexual harassment, offers reasons to "behave professionally," and addresses the ways, advantages, and disadvantages of dealing with sexual harassment through informal and formal avenues. It also discusses the rights of the harasser and harassee, the role of the AHA, and provides a list of "Do's and Do Not's" in dealing with complaints. In the end, it provides an outline of general principles regarding the complaint investigation, includes behavioral factors to consider regarding the complainant, methods for dealing with and common reactions of the accused, and possible outcomes for the individual and the group.⁸⁰

⁸⁰ "Investigating Sexual Harassment" Training Module, RNZN Psychology Services.

c. Anti-Harassment Adviser's Workbook.

The Anti-Harassment Adviser's Workbook⁸¹ for the NZDF, which was created by Top Drawer Consultants, combines all the critical elements of the sexual harassment issue, utilizes an interactive teaching approach appropriate to experienced adult students, and incorporates key elements for changing behavior and culture. For example, the myths that are often associated with sexual harassment are discussed and an effort made to ultimately dispel them. Empowering devices, such as listening skills and key phrases for affirmation of the complainants, are also presented. Additionally, a most insightful and very specific step-by-step approach to interview and assist a complainant is incorporated into the training. Furthermore, although many training modules provide bibliographies that could assist someone interested in getting more information, few go so far as to provide a brief description of the resource and the author's perspective on the value of that resource, as this workbook does.

d. Accession Training.

New accessions in the Army and Navy, including academy students, receive sexual harassment training.

⁸¹ "Anti Harassment Advisers Workbook" New Zealand Defence Force, July-Sep 1996, Top Drawer Consultants.

D. ASSESSMENT GROUPS.

One assessment group in particular, the Tri-Service Good Working Relationship Review Team, has been most influential in exploring sexual harassment issues in the NZDF. This assessment group can be largely credited with making the observations and recommendations which incited the greatest change efforts. A review of this assessment group's background and significant recommendations follows.

1. Tri-Service Good Working Relationship Review Team (GWR).

a. Background.

The GWR was established in 1994 to identify the nature of the sexual harassment problems, recommend solutions, coordinate activities and information, and monitor progress. Specifically, the GWR is tasked to:

- (1) Review known incidents of sexual harassment.
- (2) Review DFO 2/1993 and make recommendations.
- (3) Devise a methodology for monitoring incidents.
- (4) Examine and adopt as appropriate the findings/recommendations of the Royal Australian Navy (RAN) Good Working Relationships Project.

The GWR collected information on documented incidents, held focus group discussion on issues of general and sexual harassment, implemented an organization-wide survey to provide quantitative data, and held a climate survey of senior-level officers and civilian managers.

b. Highlights of Good Working Relationships (GWR) 32 Recommendations.

In response to its tasking to review the Sexual Harassment Policy, the GWR offered 32 recommendations for change or consideration in its April 1995 report. Clearly, these recommendations were taken seriously as the majority, (all those with asterisks) were implemented in DFO 4/96. Highlights include the following:

(1) *Add more comprehensive guidance on prevention and management of sexual harassment.

(2) *Outline legislative requirements, including the right to seek support or complain, and that harassers will be disciplined.

(3) *Appoint EEO advisory personnel responsible for implementation of policy, and establish a sound implementation plan.

(4) *Change the name for contact personnel to "Anti-Harassment Advisor," and outline their role in policy, select, appoint, and train volunteers.

(5) *Incorporate a detailed outline of complaint procedures, of the responsibilities of Commanding Officers and civilian managers, the rights of complainants, and the requirement for feedback regarding progress of a complaint.

(6) Establish a well-trained, tri-service sexual harassment investigation team, and document the range of disciplinary and administrative sanctions.

(7) *Include statements that retaliation and false allegations will not be tolerated and personnel making them will be disciplined.

(8) *Offer the options for an external mechanism to resolve complaints.

(9) *State that the New Zealand police are to be notified in cases of sexual assault and rape.

(10) *Incorporate the requirement for regular communication, mandatory awareness training, progressive career training, and conflict resolution training.

(11) Incorporate an assessment of personnel working relationships into the appraisal process.

(12) *Establish a confidential telephone line to provide assistance and advice.

(13) *Use gender neutral terminology in policy.

(14) *Eliminate unacceptable sexual connotations from formal course symbols, badges, and more formal military symbols.

(15) Incorporate sexual harassment into broader policy areas.⁸²

E. MEASUREMENT INSTRUMENTS.

The NZDF has implemented measurement instruments in the past few years to analytically assess the issues related to sexual harassment, many of which were developed by the GWR. Four of these will be briefly addressed in the following section.

1. New Zealand Defence Force (NZDF) Survey.

Developed by the GWR, this comprehensive survey of 10 percent of the NZDF was adapted from the Canadian Forces Personal Harassment Questionnaire and the 1988 U.S. DoD Sexual Harassment Survey. The NZDF Survey was conducted in September of 1994.

⁸² Report on the Review of Good Working Relationship in the New Zealand Defence Force, April 1995, pp. V- X.

2. Management Information Systems.

Although statistics on the trends in reported sexual harassment cases are maintained, a centralized data base for complaints has not been developed yet.

3. Monitor Attrition Rates.

Attrition rates associated with sexual harassment are monitored via exit surveys for the Navy and Air Force only.

4. Equal Employment Opportunity (EEO) Quarterly Progress Reports.

Each of the single services is now required to include in its routine quarterly reports a segment regarding its current EEO strategy, the number of EEO advisory officers and group members, factors contributing or inhibiting the performance of its EEO program, the number of men and women in non-traditional jobs, new strategies developed to raise awareness, the number of EEO conferences, seminars or workshops, ongoing initiatives, training courses, and other information.⁸³

The NZDF has thus, coupled its subjective assessment by the GWR with the analytical assessment offered by the above measurement tools. The EEO Quarterly Progress Reports are particularly interesting in that they seem to be a tool which not only provides feedback on the services' efforts and performance, but which also keeps the effort at the forefront and holds the services accountable for keeping the momentum for progress ongoing.

⁸³ DFO 9/1996 p. 10 and Annex C.

F. SCOPE OF SEXUAL HARASSMENT.

This section provides a brief review of the GWR study of documented incidents, the results of the 1994 NZDF Harassment Survey, and a few of the resulting changes to the policy in addition to the previously discussed definitions.

1. Review of Documented Incidents of Sexual Harassment.

The GWR, as tasked, conducted a study of both the Single Service Headquarters (HQ) and the NZDF HQ. It found that the most reported sexual harassment behaviors reported were “sexual teasing, jokes, remarks or questions; touching, leaning over, pinching or brushing against others; and sexual talk that created a hostile or intimidating work environment.”⁸⁴ The GWR also reported that victims of the harassment were younger women in junior ranks or in junior civilian positions. Additionally, men were the alleged offenders in all documented cases, with the majority of alleged harassers within the Junior and Senior NCO ranks, and the proportional majority within the officer corps. Young women in the junior ranks or junior civilian positions reported the greatest amount of harassment, although there were small numbers of junior men who reported harassment.

From approximately March 1992 to September 1994, the Army reported 15 cases of sexual harassment involving 27 specific behaviors of alleged harassment; the Navy reported

⁸⁴ Report on the Review of Good Working Relationships in the New Zealand Defence Force, April 1995.

six incidents involving 11 behaviors; and the Air Force reported 21 cases involving 52 behaviors. HQ NZDF did not report any cases.

2. Results of the 1994 NZDF Harassment Survey.⁸⁵

a. Background.

As stated previously, the methodology and approach used in the survey are similar to that of the 1988 U.S. DoD Sexual Harassment Survey, Form B, and the Canadian Forces Personal Harassment Questionnaire. It was designed to evaluate sexual harassment as well as general harassment incidents and the management of those incidents. The questionnaire incorporated questions that asked respondents if they had experienced or observed a series of categories of unwanted sexual harassment, as well as a question that asked if they believe sexual harassment is a problem in their unit or workplace. Additionally, the survey asked respondents to list the number of times they experienced a specific type of behavior. This study targeted supervisors as well, and asked them to provide the number of informal and formal incidents that had been brought to their attention. This questionnaire offered a rare opportunity to assess the number of informal incidents occurring at commands.

b. Common Themes.

Although the single service and HQ NZDF results were analyzed separately, there were common themes that emerged from both. Sexual harassment was most often

⁸⁵ Ibid.

related to the presence of either material of a sexual nature (including visual material, such as pictures, posters or visual display units) or sexual teasing, such as jokes, remarks, or questions. Furthermore, personnel subjected to sexual harassment said that it affected their job performance, job satisfaction, or service.

Perpetrators of sexual harassment were more likely to be male (71.4 percent), a peer or co-worker (63.6 percent), and older than the harassee (53.3 percent). Additionally, the harassment was most likely to occur in the workplace.

Approximately 30 percent of women experienced sexual teasing, and 12-20 percent (depending on service) experienced unwelcome or offensive touching. The majority of these respondents indicated that their experiences of sexual harassment were not isolated, but had either occurred 2-3 times or had been ongoing. Most respondents also preferred methods of informal resolution.

c. Sexual Harassment Behaviors Experienced in the Past Year.

Table 9 illustrates the *actual number* of sexual harassment incidents that were experienced by NZDF military personnel. It shows that the largest number of respondents reported sexual teasing, sexual materials, touching, and looks as the most commonly experienced sexual harassment behaviors. These numbers are provided for each of the services only to provide greater level of detail. Cross-service comparisons should be avoided, as the actual sizes and number of individuals responding varied across the services.

TABLE 9

**SEXUAL HARASSMENT BEHAVIORS EXPERIENCED BY NEW ZEALAND DEFENCE
FORCE¹ MILITARY PERSONNEL DURING THE PAST YEAR, BY SERVICE**
(1994 NEW ZEALAND DEFENCE FORCE HARASSMENT QUESTIONNAIRE)

Behavior ^{3,4}	Actual Number ²			
	Navy	Army	Air	Hdqs
Sexual teasing	14	32	46	1
Sexual material	17	19	44	2
Touching, leaning over etc.	7	13	34	0
Looks, gestures, body language	10	6	27	0
Intimidating sexual talk	7	6	24	0
Sexual whistles, calls, yells	9	6	16	0
Social invitations	5	4	15	0
Letters, phone calls, faxes	5	6	9	0
Sexual favours	2	3	7	0
Assault or rape	1	3	3	0

Source: Report on the Review of Good Working Relationships in the New Zealand Defence Force, April 1995.

Note¹: Cross-service comparisons should be avoided as number of surveyed personnel varied for each.

Note²: Actual numbers were provided. Percentages were not available.

Note³: Behavior experienced during the past year, while performing NZDF duties, or off duty at a camp, base or on board ship. Respondent does not necessarily define these behaviors as sexual harassment.

Note⁴: Multiple responses allowed.

Although statistics on the percentages for all of the services were not available, the percentage of personnel experiencing sexual harassment behaviors was provided for the Royal New Zealand Navy. Table 10 indicates that a larger percentage of women than men report experiencing all forms of harassment with the exception of the assault or rape categories.

TABLE 10

**SEXUAL HARASSMENT BEHAVIORS EXPERIENCED BY ROYAL NEW
ZEALAND NAVY¹ PERSONNEL DURING THE PAST YEAR, BY GENDER**
(1994 NEW ZEALAND DEFENCE FORCE HARASSMENT QUESTIONNAIRE)

Behavior ^{2,3}	Percent	
	Women	Men
Sexual teasing	31	6
Intimidating sexual talk	19	3
Sexual material	19	10
Looks, gestures, body language	13	6
Touching, leaning over etc.	13	4
Sexual whistles, calls, yells	13	5
Sexual favours	13	0
Social invitations	6	3
Letters, phone calls, faxes	6	3
Assault or rape	0	1
<i>Respondent perceives sexual harassment as a problem in their workplace occasionally.</i>	75	46

Source: Report on the Review of Good Working Relationships in the New Zealand Defence Force, April 1995.

Note¹: Data for Royal New Zealand Navy personnel only.

Note²: Behavior experienced while performing NZDF duties or off duty on board ship, on base, or at a camp, which respondents felt were unwelcome and offensive. Respondent does not necessarily define these behaviors as sexual harassment.

Note³: Multiple responses allowed.

d. Observed Sexual Harassment.

An interesting comparison between the number of sexual harassment incidents experienced and observed is available in Table 11. Only the Navy and Air Force

figures are provided, since the Army did not break out the data in this format, and the Headquarters' numbers are too small. The results show that, in most behavioral categories, personnel observed a greater number of the behaviors than they experienced.

TABLE 11

**SEXUAL HARASSMENT BEHAVIORS EXPERIENCED AND OBSERVED BY
ROYAL NEW ZEALAND NAVY AND AIR FORCE PERSONNEL
DURING THE PAST YEAR
(1994 NEW ZEALAND DEFENCE FORCE HARASSMENT QUESTIONNAIRE)**

Behavior ^{2,3,4}	Actual Number ¹			
	Navy		Air Force	
	Experienced	Observed	Experienced	Observed
Sexual teasing	14	81	46	124
Sexual favours	2	8	7	7
Intimidating sexual talk	7	21	24	47
Touching, leaning over etc.	7	17	34	22
Assault or rape	1	2	3	0
Sexual whistles, calls, yells	9	38	16	32
Sexual material	17	70	44	103
Social invitations	5	19	15	10
Letters, phone calls, faxes	5	18	9	34
Looks, gestures, body language	10	28	27	33

Source: Report on the Review of Good Working Relationships in the New Zealand Defence Force, April 1995.

Note¹: Cross-service comparisons should be avoided as number of surveyed personnel varied for each.

Note²: Actual numbers were provided as percentages were not available.

Note³: Behavior experienced during the past year, while performing NZDF duties, or off duty at a camp, base or on board ship. Respondent does not necessarily define these behaviors as sexual harassment.

Note⁴: Multiple responses allowed.

e. Affect and Perception of Sexual Harassment as a Problem.

A larger percentage of Navy women (30 percent) than men (8 percent) were affected by the sexual material they observed. More specifically, 25 percent of Navy women compared with 7 percent of Navy males were affected by sexual teasing.

Over half of the single service respondents, and 70 percent of HQ NZDF respondents, felt that sexual harassment was not a problem. Many respondents indicated it was an occasional problem, though, ranging from 22 percent in HQ NZDF to 49 percent in the RNZN. When analyzed by gender, the survey showed that men perceived sexual harassment to be less of a problem than did female respondents.

f. Responses to Sexual Harassment.

Consistent with the U.S. Navy results, a large number of personnel who were harassed tended to ignore the behavior, ask the person to stop, or talk to someone else about the harassment. Table 12 illustrates the actual number of actions taken for each service, excluding headquarters, due to its small numbers. While percentages were not available, the numbers show the most common responses, which included ignoring the person, ignoring the behavior, asking the person to stop, and making a joke of the incident.

Additionally, the survey suggested that asking the person to stop sexually harassing them made no difference in the majority of cases, and frequently made things worse. Such was the case for 7 of 9 Navy respondents, and 14 of 24 Air Force respondents.

TABLE 12

**ACTIONS TAKEN BY NEW ZEALAND DEFENCE FORCE PERSONNEL
AFTER EXPERIENCING SEXUAL HARASSMENT, BY SERVICE
(1994 NEW ZEALAND DEFENCE FORCE HARASSMENT QUESTIONNAIRE)**

Action taken ¹	Actual Number		
	Navy	Army	Air
I asked the person(s) to stop	9	8	24
I made a joke of the incident	6	10	14
I ignored the behavior or did nothing	5	8	24
I ignored the person(s)	4	11	23
I got someone else to speak to the person(s)	3	4	7
I talked to a friend of mine	3	7	18
I sent/left a copy of a pamphlet or copy of the policy to/for the harasser	2	0	0
I talked to a friend of the harasser	1	4	4
I sought advice from an external source	1	4	6
I spoke to someone outside my command chain besides my manager	1	2	3
I went along with the behaviour	1	3	3

Source: Report on the Review of Good Working Relationships in the New Zealand Defence Force, April 1995.

Note¹: Multiple responses allowed.

g. Reasons for Doing Nothing.

Respondents who did nothing to stop the behavior were asked to cite their reasons for not taking any action. As Table 13 illustrates, the most common reason for inaction was “saw no need to report it” or “I thought it would be held against me.”

TABLE 13

REASON ACTION WAS NOT TAKEN BY NEW ZEALAND DEFENCE FORCE PERSONNEL AFTER EXPERIENCING SEXUAL HARASSMENT, BY SERVICE
(1994 NEW ZEALAND DEFENCE FORCE HARASSMENT QUESTIONNAIRE)

Action taken ¹	Actual Number		
	Navy	Army	Air
Saw no need to report it	4	11	4
Thought it would be held against me	1	10	7
Thought would be blamed for it	0	4	6
Didn't think it would help	1	5	2
Too embarrassed	0	6	2
Thought it might affect career	1	4	2
Didn't know what to do	0	6	0
People might have thought less of me	1	1	3
Advised not to take action	2	1	1
Took care of the problem myself	2	0	0
Was afraid of physical violence	0	0	2
Harasser was posted	0	0	1
Someone else solved it	0	1	0

Source: Report on the Review of Good Working Relationships in the New Zealand Defence Force, April 1995.

Note¹: Multiple responses allowed.

h. Perceived Attitudes of Leadership Toward Sexual Harassment.

As seen in Table 14, the majority of personnel in the Navy, Air Force, and HQ NZDF are not aware of the attitudes of their immediate superiors/managers toward sexual harassment. Not shown in the table is that fact that a significant, yet, smaller number of respondents (49.4 percent) were unaware of their CO/Senior Manager's attitudes toward sexual harassment.

TABLE 14

**PERCEPTIONS OF IMMEDIATE SUPERIOR'S ATTITUDE TOWARD
SEXUAL HARASSMENT IN THE NEW ZEALAND DEFENCE FORCE, BY SERVICE
(1994 NEW ZEALAND DEFENCE FORCE HARASSMENT QUESTIONNAIRE)**

Attitude	Percent ¹			
	Navy	Army	Air Force	Hdqtrs
Actively discourages sexual harassment, and has programmes in place to stop it	12	16	9	17
Has indicated that it is not to occur, and is committed to setting up programmes to stop it	14	20	16	12
Has stated it is not to occur, but is not doing anything to stop it	14	20	11	3
Has not made any statement about sexual harassment and is not doing anything to stop it	6	6	8	5
Has treated sexual harassment as a joke, and has not done anything to actively discourage it	4	2	5	3
I do not know what my immediate superior/manager thinks about sexual harassment	51	36	52	52

Source: Report on the Review of Good Working Relationships in the New Zealand Defence Force, April 1995.

Note¹: Percentages were rounded to maintain uniformity across services.

i. General Harassment.

Interestingly, survey findings indicate that general harassment, which includes harassment based on a large range of behaviors (race, gender, religion, age, rank, etc.) was reported by as many respondents as sexual harassment. The most commonly reported behaviors of general harassment included unwelcome or offensive behaviors based on physical characteristics, gender, race, rank, and behaviors of a sexual nature. In fact, 20-30 percent of women, depending on service, reported gender harassment; 25 percent of women reported sexual harassment; and 17 percent reported experiencing harassment based on their physical characteristics. Two-thirds of the single service respondents and 43 percent of HQ NZDF reported that general harassment was an occasional problem.

j. Knowledge of Policy.

The vast majority of personnel (80-90 percent) were aware that an NZDF Sexual Harassment policy existed. Approximately 15-20 percent of single-service and 45 percent of HQ NZDF respondents reported that they are familiar with all of the policy and their responsibilities. However, 20-30 percent of the respondents indicated no knowledge of the policy contents or of their responsibility.

k. Training.

The majority of respondents indicated that they had not received any awareness training, with 20-29 percent of military and 10 percent of civilians stating they had received some training. Not surprisingly, then, two-thirds of the commanders indicated

that they had not been adequately prepared, due to lack of training, lack of experience, or unclear policy guidelines.

I. NZDF Conclusions from the Questionnaire.

In its April 1995 review, the NZDF GWR concluded that general and sexual harassment behaviors were present and that the lack of training and awareness could mean that the actual occurrence of harassment is greater than reported. As a result, they stated that NZDF has a responsibility to initiate a training and promotion program, and that it is the collective responsibility of commanders and individuals to promote positive working relationships.

The review also found that there has not been a consistent application or promulgation of information or training across bases or headquarters. Furthermore, the GWR found that, while there are clear procedures for tracking formal complaints, the more common, informal methods of dealing with incidents are not easily assessed or evaluated due to the lack of documentation. Also, none of the single services or headquarters were monitoring compliance of the sexual harassment policy.⁸⁶

Along with the expansion of the definition of harassment, the addition of measurement tools, the incorporation of awareness training, and other significant changes, the GWR conclusions and recommendations prompted changes in the written policy. The new Equal Employment Opportunity (EEO) Policy, DFO 9/1996, provides a new list of four

⁸⁶ April 1995 NZDF GWR Review.

key objectives to achieve equal opportunity in the NZDF: Objective 1: Raise the level of awareness of EEO principles and practices for all personnel; Objective 2: Provide a work environment that is free of discrimination and harassment; Objective 3: Develop monitoring and evaluation strategies to satisfy EEO legislative and program reporting requirements; and Objective 4: Maintain a commitment to provide specific career planning and development programs for personnel who may be disadvantaged, to enable them to compete equitably.⁸⁷ Each objective has a list of associated activities that are presented in an annex in the back of the policy, entitled Annex B. To illustrate some of the activities, the following is the list of activities for Objective 2.

The NZDF strategy will implement policies and practices to eliminate occurrences of harassment, including sexual harassment and discrimination within the workplace with a view to ensuring a non-offensive workplace. Avenues to achieve this within the command structures include: (a) Training for Commanders/managers on harassment and discrimination issues. (b) Selection and training including regular refresher training of EEO Advisory Officers. (c) Ensure appropriate publicity of EEO Advisory Officers' role, and location. (d) Selection and training of personnel responsible for complaint investigation. (e). Production and dissemination of guidelines on eliminating workplace harassment.⁸⁸

It is interesting to note, however, that the requirements for the listed EEO activities are flexible according to service. As stated in the policy, "Single Services and HQ NZDF are responsible for selecting their own EEO activities from those provided in Annex B according

⁸⁷ DFO 9/1996 p.7

⁸⁸ Ibid, Annex B.

to the particular needs of their Service.”⁸⁹ Thus, the policy implies that the activities are more of an option than a requirement.

In summary, the NZDF has recognized the impact of sexual harassment early this decade and has taken steps to eliminate it, without having experienced a watershed event. The tremendous value of an assessment group is clearly demonstrated by the impact of the Tri-Service NZDF GWR Review Team on the policy and programs. Despite the recency of its development, the NZDFs efforts to eliminate all forms of harassment are both advanced and insightful. For, by removing the stigma of sexual harassment as a “women’s issue,” training and communication on the value of a diverse workforce may begin to reach and affect all members of the workforce. Survey results suggest that sexual harassment remains a problem for the NZDF, most commonly in the form of behaviors that create a hostile environment. Continued efforts toward full implementation of the programs and training developed, along with initiatives established within some of the other TTCP countries, will prove beneficial in the aim to eliminate sexual harassment.

⁸⁹ DFO 9/1996 p.7

IV. THE AUSTRALIAN DEFENCE FORCE (ADF)

A. BACKGROUND.

1. Initial Recognition.

The Melbourne Working Women's Centre is cited as one of the pioneers in campaigning against sexual harassment.⁹⁰ The Centre began receiving complaints in 1976. However, it was not until 1981 that the National Committee on Discrimination in Employment and Occupation established a policy that recognized sexual harassment as a form of discrimination. Sections 28 and 29 of the 1984 Commonwealth Sex Discrimination Act made sexual harassment in employment and education unlawful.

2. Watershed Events.

The Royal Australian Navy (RAN) experienced a watershed event that prompted tremendous changes throughout the ADF.⁹¹ A young female doctor who had only months before joined the Australian Navy Reserve (ANR) was assigned to the HMAS Swan as the Medical Officer for a Southeast-Asian deployment (May 1992). In August, she complained to the Commanding Officer about inappropriate behavior in the wardroom. One week later, she reported that she had been raped by one of the officers. Following the recommendation

⁹⁰ Lois Bryson. "Dealing with a Changing Work Environment: The Issue of Sexual Harassment in the ADF." November 1993 p. 10.

⁹¹ Chris Clay. "The Swan Incident."

of the investigation team, a Courts Martial was convened. The alleged offender was eventually found not guilty.

In response to a letter from the doctor to the Minister for Defence, Science and Personnel, a board of inquiry was convened. Two female sailors who had been assigned to the HMAS Swan at the same time as the doctor also reported experiencing sexual harassment. One woman claimed that she had offered to pay someone to break her leg so that she could leave the ship.

In response to the intense media publicity, the Minister and the Chief of Naval Staff announced a senate inquiry into the incident. Additionally, the Chief of Naval Staff directed the development of a project team, the Good Working Relationships Project Team, to work with consultants to develop policies, management strategies, and educational programs to improve working relationships among all Navy personnel. The impact of this incident cannot be overstated. As Clay writes:

For many men and women members of the RAN, the publicity produced a storm of outrage. There was a sense of anger, hurt and betrayal. . . .Tension between men and women in the workplace was heightened. In some instances men simply did not interact with female work mates. Pressure on women at sea was especially high. . . .The Project (Good Working Relationships Project) was seen as an unnecessary overreaction to media attention.⁹²

⁹² Ibid.

3. Number and Roles of Women.

As of mid-1992, women constituted 12 percent of the total Defense force and 11 percent of the officer corps.⁹³ Women also represented 18 percent of the officers under training in military colleges. In the RAN, women are eligible to serve in all billets, including those on warships. Although women are currently excluded from underwater diving and submarine vessels, future plans call for women to serve on the new class of submarines that were commissioned in 1995. In the Air Force, women are permitted to serve in about 94 percent of the billets, including combat flying, but they are excluded from ground combat roles. In the Army, women are able to serve only in roles defined as combat-related. Women are, therefore, excluded from 45 percent of Army billets, including Armour, Artillery, and Infantry Corps, as well as combat engineers.

B. REVIEW OF POLICIES.

The ADF has a large number of legislative and policy references related to sexual harassment. These references provide the fundamental framework for the implementation of programs designed to eliminate sexual harassment. The next section provides lists of the legislative and policy references, and is followed by a policy highlight, the definition of sexual harassment. The list of legislative references is provided below.

⁹³ Smith, Hugh. "Social Change and the Australian Defence Force," 22 Oct 1993.

1. Legislative References.

- a. *The Sex Discrimination Act 1984.*
- b. *The Human Rights and Equal Opportunity Commission Act 1986.*
- c. *Telecommunications Act 1975.*
- d. *Postal Services Regulations.*
- e. *Freedom of Information Act 1982.*
- f. *Defence Force Discipline Act 1982.*
- g. *Public Service Act 1922.*
- h. *Merit Protection Act 1984.*

2. Policy References.

Similarly, a large number of policy references exist specifically for the ADF. They are listed below.

- a. *DI (A) ADMIN 23-2 "Reporting and Investigation of Incidents."*
- b. *DI (G) PERS 26-2 "ADF Policy on Religious Practices of ADF Members."*
- c. *DI (G) PERS 32-1 "Employment of Women in the Defence Force."*
- d. *DI (G) PERS 34-1 "Redress of Grievances-Tri-Service Procedures."*
- e. *DI (G) ADMIN 34-1 "Inquiries into Matters Affecting the Defence Force."*
- f. *DI (G) PERS 35-2 "Application of the Sex Discrimination Act to the ADF."*

- g DI (G) PERS 35-3 "Unacceptable Sexual Behavior by Members of the Australian Defence Force."*
- h DI (G) PERS 44-1 "The Avoidance and Elimination of Racial Discrimination and Racist Behaviour."*
- i Departmental Personnel Instruction 3/91 "Non-offensive Working Environment."*
- j Departmental Personnel Instruction 3/89 "Elimination of Sexual Harassment."*
- k Defence Manager's handbook (Chapter 14).*
- l The Australian Public Service Standard of Conduct.*
- m Supervisors handbook DRB 5.*

3. Policy Highlights.

The ADF uses the 1984 Sex Discrimination Act to define sexual harassment as follows:

unwelcome sexual advances, unwelcome requests for sexual favours or other unwelcome conduct of a sexual nature in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the complainant would be offended, humiliated, or intimidated. "Conduct of a sexual nature" includes making a statement of a sexual nature to a person, or in the presence of a person, whether the statement is made orally or in writing. Sexual harassment occurs if the complainant feels offended, humiliated, or intimidated by the conduct and a reasonable person having regard to all the circumstances would have anticipated that the complainant would be offended, humiliated or intimidated.⁹⁴

⁹⁴ "Eliminating Harassment in the Defence Environment: A Guide for Managers, Supervisors and Harassment Contact Officers." p.2.

The ADF expands upon this definition to incorporate the milder forms of sexual harassment which are known to create a hostile environment. As noted in the manual, "Eliminating Harassment in the Defence Environment: A Guide for Managers, Supervisors and Harassment Contact Officers":

Sexual harassment is not limited to specific acts directed at particular people. A prevailing atmosphere of generally offensive behaviour could constitute sexual harassment. Behaviour which may be acceptable in other contexts for example, between friends in a social context, can be inappropriate in the work environment. Such forms of harassment include:

- a. Gender harassment--stereotypes a person according to gender or sexual preference. It includes openly discussing views in which the other sex is portrayed as inferior or subordinate, or using gender-based or sexist derogatory terms. Examples include blaming women for pregnancy and derogatory language about men and women who do not fit the male or female stereotype.
- b. Sexual harassment--advances, requests for sexual favours and other verbal or physical conduct of a sexual nature, including leers, offensive gestures, derogatory comments, jokes, teasing, physical contact. Provocative posters with a sexual connotation may also constitute sexual harassment. In extreme cases, sexual harassment can lead to indecent assault which is a criminal offence.⁹⁵

C. SEXUAL HARASSMENT TRAINING AND ASSOCIATED PROGRAMS.

The next section provides an overview of the training and programs associated with sexual harassment in the ADF. Additional detail on some programs specific to the Army was

⁹⁵ "Eliminating Harassment in the Defence Environment: A Guide for Managers, Supervisors and Harassment Contact Officers. p.2.

available and is highlighted to offer a more thorough understanding of the type of developments found throughout the ADF.

1. Command Level Training.

Sexual awareness training is provided to units in the Navy, Army, and Air Force.

The Army's annual training program was developed for Commanding Officers to give to their units, and aims toward

ensuring continual reinforcement, ownership, and commitment to the establishment of a good working environment, at the lowest level. . . . Additional training is in the process of being developed . . . at the unit level and (will) adopt an experiential learning approach.⁹⁶

2. Leadership Courses.

Sexual awareness training has been incorporated into the Navy's career training courses and the Army's promotion and leadership courses. Army career training is incorporated into a variety of training opportunities throughout a member's career emphasizes the appropriate level of management.

3. Accession Training.

The Army conducts harassment and discrimination training, as well as gender awareness training, in their point-of-entry installations. For example, the Army's military academy has a committee which includes both staff and cadet members. The committee is responsible for developing the education package and for providing information and support to victims. The formal training program consists of two presentations, given each year, with

⁹⁶ Chris Clay and Alan Twomey briefing, Brisbane 1994.

the content adjusted for the year groups' requirements. Thus, broad guidance is provided in year 1, the role of mid-level support persons is addressed in year 2, and the role of supervisors is addressed in year 3. A sexual harassment pamphlet that is distributed to new cadets addresses the Academy policy, definitions and descriptions of sexual harassment, and steps to take if harassed.

4. Training Booklets.

There are several booklets developed by the ADF to give managers at the senior and junior levels with the necessary information to prevent, respond to, and train sexual harassment issues. Booklets are also available to address issues relating to the investigation of a sexual harassment incident, as well as considerations with a mixed-gender service. A brief description of these booklets follows:

a. "Eliminating Harassment in the Defence Environment: A Guide for Managers, Supervisors and Harassment Contact Officers."

This booklet offers definitions, and legislative and policy material. It outlines the responsibilities of managers and cites the mechanisms for resolution for the three services. It also discusses records and recording, compensation, the appointment of investigating officers, and the Freedom of Information Act. Attached at the annexes in the package are the services' guidelines for Harassment Contact Officers, Good Working Relationships Coordinators, EEO Contact Officers, and flowcharts of the complaint process. There is also an annex entitled "How to Deal With Conflict."

b. “Discrimination and Harassment: Recognition—Management—Prevention; A Guide for Junior Leaders.”

This Army information package provides clearer direction for a service member dealing with a harassment issue. It defines discrimination and harassment, discussing specific behaviors that may be interpreted as harassment; addresses the impacts of discrimination and harassment and how to recognize the problem even if it has not been reported; reviews how to handle a problem, including harassment by people other than service members; addresses criminal proceedings, confidentiality, and victimization offenses and examples of them; underscores the importance of updating, following up, and documenting; reviews where to seek advice and assistance; underscores the seriousness of malicious and false complaints; emphasizes the do’s and do not’s when dealing with complaints; discusses the differences between informal and formal complaints; and reviews redress, external complaints, and the range of possible outcomes. The package’s annexes contain legislation and policy information, as well as a checklist of appropriate principles and behaviors for junior leaders.

c. “Commanding Officer’s Presentation Guide for Unit Sexual Harassment Training.”

This Army information package goes beyond the brief overview of the Army’s policy, reporting requirements, and other issues. It provides guidance, the do’s and do not’s in dealing with a complaint, and the general principles of a complaint investigation, including questions for the complainant and factors about the complainant that should be

kept in mind. It also provides common reactions of the accused, how to deal with the accused, and possible outcomes. Presentation notes to be given to the unit by the Commanding Officer (CO) are attached at the end. It includes information on the ADF's "zero tolerance" policy; the definition, examples of, and effects of sexual harassment; how to file a complaint; where to seek advice; and the legal and disciplinary aspects of sexual harassment.

d. "Guide to Conducting Harassment Investigations" 1995 Video and Handbook.

This training package provides information on the following: the importance of a well-conducted investigation; the legal obligations and implications for the investigator, the complainant, and the accused; a step-by-step guide on how to conduct an investigation; the format and content of a report; and related legislation and Defence policy.

e. "Leadership Consideration: Mixed-Gender Service in Army."

Another Army document, this booklet covers a wide range of gender issues, one of which is sexual harassment. The booklet addresses issues of concern for mixed-gender units, including elements of friction and prejudices that are typical. Clear guidance on managing the effects of prejudice is provided. The differences in men and women are addressed as well, from strength to menstruation and crying. The results of sexual harassment and examples of harassing behavior are included, along with the dangers of fraternization. Leadership considerations are also addressed, including: hygiene in the field, the norm of unsegregated sleeping arrangements, contraception, resistance to change, team

building and cohesion, training focuses for women preparing to go to the field, spousal concerns, and, finally, principles for leaders. At the very end of the booklet is a copy of the overriding policies, DI(G) PERS 35-3: “Unacceptable Sexual Behaviour by Members of the Australian Defence Force,” with the following annexes: “Guidelines for Commanding Officers,” “Examples of Unacceptable Sexual Behaviour,” “Avenues of Complaint,” and “Outline of Relevant Provisions of the Sex Discrimination Act and Human Rights and Equal Opportunity Commission Act.”

5. Army Harassment Contact Officers (HCOs).

Supplementing the chain of command, HCOs are networked through the functional commands to the Army headquarters. They serve as an alternative point of contact for complainants and provide advice and training to COs and their units.⁹⁷ Regional Defence Center EEOs trained the HCOs as of 1996. However, the Army intends to standardize an HCO course and use Reservist Psychology and Legal Officers to train the HCOs in the future. The HCO trainers will be trained by Combat Related Employment of Women Evaluation Team (CREWET) staff, with assistance from other specialists, including experienced HCO consultants.⁹⁸

⁹⁷ Ibid.

⁹⁸ Minute: Army’s Strategy for the Management of Sexual Harassment PERS A93-30870, p.3.

6. Navy Good Working Relationships (GWR) Coordinators.

These Navy or civilian personnel sit on the GWR Advisory Committee and are responsible, as their command representative, for providing advice, expertise, and counseling on all EEO or conflict resolution matters. They also oversee development, implementation, and monitoring of the EEO Action Plan, develop qualified GWR facilitators throughout their command, and participate as needed on Problem Response Teams.⁹⁹

7. Air Force EEO Contact Officer (EEOCO).

These Air Force or civilian personnel are trained in EEO and anti-harassment procedures. They are available to provide advice and assistance to complainants and the chain of command and to assist in the delivery of education and training.

8. Workshops and Study Groups.

The Army is developing workshops and study groups for HCOs to conduct additional training as needed. Using a more participative method of training and a Total Quality Management (TQM) approach, the theme of the training is "The Relationships between Men and Women in Today's Army."¹⁰⁰ A TQM facilitator or Reservist facilitates a group of eight people on a weekly basis for six weeks, addressing issues such as sexual harassment, acceptance of women, gender differences, and fraternization.

⁹⁹ "Eliminating Harassment in the Defence Environment: A Guide for Managers, Supervisors and Harassment Contact Officers." p.2.

¹⁰⁰ Ibid.

9. Personal Development Training.

Army Regional Centers or consultants conduct personal development training of victims and accused as the need arises. Need will be determined by managers or service members.¹⁰¹

The ADF has implemented training at the command level, in leadership courses throughout a service member's career, and in accession installations. It has developed informative booklets to aid members in their dealings with sexual harassment as well. The "Guide to Conducting Harassment Investigations," which incorporates both a booklet and a video, deserves special recognition. Since investigations of sexual harassment incidents have proven to be unique in their complexity, special emphasis on this aspect of the sexual harassment complaint process is well-deserved.

D. ASSESSMENT GROUPS.

A number of assessment groups are present in the ADF, many of which are service specific. The next section will provide a list and brief description of the major assessment groups, including the RAN's GWR, the RAF "One Team," the Army's CREWET, the Defense Advisory Forum on Discrimination (DAFOD), and the Senate Standing Committee on Foreign Affairs, Defence and Trade:

¹⁰¹ Ibid.

1. The RAN's Good Working Relationship Project Team (GWR).¹⁰²

a. Background.

The GWR was established in 1992, following the HMAS Swan incident. It is important to note that, unlike the New Zealand Tri-Service GWR, this GWR is solely that of the RAN, and does not represent the Army or Air Force initiatives. The GWR was established to "create a work life quality environment within Navy which provides every individual with an opportunity to develop, participate, and contribute to the best of their abilities."¹⁰³ Its tasks were outlined in a four-stage implementation plan:

Stage 1: Fact finding through interviews, questionnaires and focus groups.

Stage 2: Development of recommendations for policy changes, management strategies, and education programs.

Stage 3: Implementation of recommendations.

Stage 4: Evaluation of the effectiveness of the initiatives.¹⁰⁴

b. Highlights of Good Working Relationships (GWR) 45 Recommendations.

The Chief of Naval Staff Advisory Committee endorsed the findings and the 45 recommendations of the GWR. Key initiatives among the 45 recommendations include:

(1) Create a confidential toll-free telephone number that provides information and referral service, called Operation Lifeguard.

¹⁰² Chris Clay. "The Swan Incident."

¹⁰³ Ibid.

¹⁰⁴ Ibid.

(2) Implement a conflict resolution program that provides the option of using external consultants or formal RAN procedures.

(3) Establish a confidential database with the number and type of complaints to monitor trends.

(4) Establish a GWR Advisory Committee and Task Force available to all units to help implement GWR initiatives, monitor progress, and participate in conflict resolution.

(5) Create the position for an EEO Coordinator in personnel services organization to monitor and advise on human resource policies, employee assistance programs, and GWR initiatives.

(6) Communicate through numerous mediums organizational values and senior management commitment.

(7) Review policies to ensure they are nondiscriminatory and clear.

(8) Establish a Problem Response Team of civilians, military, and consultants when needed, to assist COs in managing difficult personnel problems.

(9) Investigate options to assist in managing family commitments, like child care.

(10) Ensure personnel are trained and educated and have appropriate skills to work well in a mixed gender environment.

(11) Review the Divisional System and Support Services.

In addition to these recommendations, the GWR addresses future strategies that include incorporating the ability to work in a mixed environment as one factor in the performance evaluation. It also addresses the need for more work on attitudes toward homosexuals, military and civilian work relationships, and racial, cultural, and ethnic diversity issues.

Moreover, in the effort to attack the more fundamental issue of inducing cultural change, the GWR looked at “lessons learned” regarding the external evolutionary pressures, and the organizational readiness and capacity to change, and then created a checklist of factors that are important in inducing the necessary cultural changes.

2. The Air Force Equal Employment Opportunity “One Team.”

Similar to the Navy’s GWR, “One Team” focuses on “sustaining a total force of Service, civilian, and contracting personnel working as one professional team.”

3. The Army Combat Related Employment of Women Evaluation Team (CREWET).

Formed in January 1990, CREWET has worked to integrate women into combat-related positions and has gathered information regarding to performance and perceptions of men and women. It has been involved in issues ranging from the introduction of gender-awareness training to the development of sexual harassment policy.

4. Defense Advisory Forum on Discrimination (DAFOD).

Established by the Minister of Defence Science and Personnel in August 1994, the forum is comprised of the Sex Discrimination Commissioner, the Defence Force Ombudsman, the Director of the Merit Protection and Review Agency, and representatives from industry, civilian organizations, and tertiary institutions. The forum provides advice on a broad range of human rights and equal opportunity issues.¹⁰⁵

¹⁰⁵ “Government Response to *Facing the Future Together*.” December 1994.

5. The Report of the Senate Standing Committee on Foreign Affairs, Defence and Trade on Sexual Harassment in the Australian Defence Force.

Convened in response to the HMAS Swan incidents, the committee was comprised of six Senators and conducted hearings between February and June 1994. The Committee's report contains 42 recommendations, ranging from redefining policy documents to refining training and education programs. One of the supported recommendations advises the Navy to develop a conflict resolution program using the United States Navy's "Resolving Conflict: Following the Light of Personal Behaviour," as the model.

E. MEASUREMENT INSTRUMENTS.

The ADF uses a variety of measurement instruments in conjunction with the feedback they receive from their assessment groups. These include surveys, incident records, attrition rates, toll-free telephone line calls, EEO reports, and unit visits. A brief description of these measurement instruments follows.

1. The Australian Defence Force Career and Family Study 1987 and 1995.

Although it was not the aim of the 1987 study to assess levels of sexual harassment, a small number of questions were asked regarding the issue. The 1995 study repeated those questions and expanded the segment to establish a baseline for future comparisons. This is the only defense-wide survey.

2. Army 1995 Study of the Effectiveness of Harassment Awareness Training.

This questionnaire was designed to discover knowledge and views of harassment policies in the Army, to reveal what is considered acceptable or unacceptable in the workplace, and to highlight any differences in perceptions by men and women.

3. Soldier/Officer Attitude and Opinion Surveys (SAOS/OAOS).

These surveys are conducted by the Army on a quarterly basis.

4. Incident Records.

A tri-service reporting mechanism is in place for recording the number and kind of sexual harassment incidents occurring throughout the ADF.¹⁰⁶

5. Monitor Attrition Rates.

Exit interviews for the Army and Air Force (and planned for the Navy) seek to establish any links between sexual harassment and the person's decision to leave the service.¹⁰⁷

6. Toll-free Telephone Line.

Records indicating the kind of calls being registered for all three services have been standardized to allow for cross-service comparisons. Additionally, distinctions are made between sexual and general harassment calls.¹⁰⁸

¹⁰⁶ Ibid.

¹⁰⁷ Ibid.

¹⁰⁸ Ibid.

7. EEO Reports to the Minister for Defence Science and Personnel.

In response to a letter by the Federal Sex Discrimination Commissioner to the Minister for Defence Science and Personnel, which expressed concern that the ADF had not provided EEO reports for the past six years, the ADF decided to begin providing the reports. Although the ADF is not legally required to produce the EEO reports, it decided to do so to examine its goals and review its initiatives and achievements.¹⁰⁹

8. Unit Visits and Feedback.

This mechanism is in place as an Army monitoring system only. CREWET receives feedback from soldiers and commanders during annual visits to major Army installations.

F. SCOPE OF SEXUAL HARASSMENT.

This section will discuss the feedback received from some of the ADF measurement tools and assessment groups to provide a sense of the scope of sexual harassment in the ADF. It will review the documented incidents of sexual harassment, as well as the findings from the 1995 ADF Family and Career Study, the 1995 Army Harassment Awareness Evaluation Questionnaire, the Combat Related Employment (CREW) focus groups.

¹⁰⁹ Liz Coles, RAN, Talking Points 25 May 95.

1. Review of Documented Incidents of Sexual Harassment.¹¹⁰

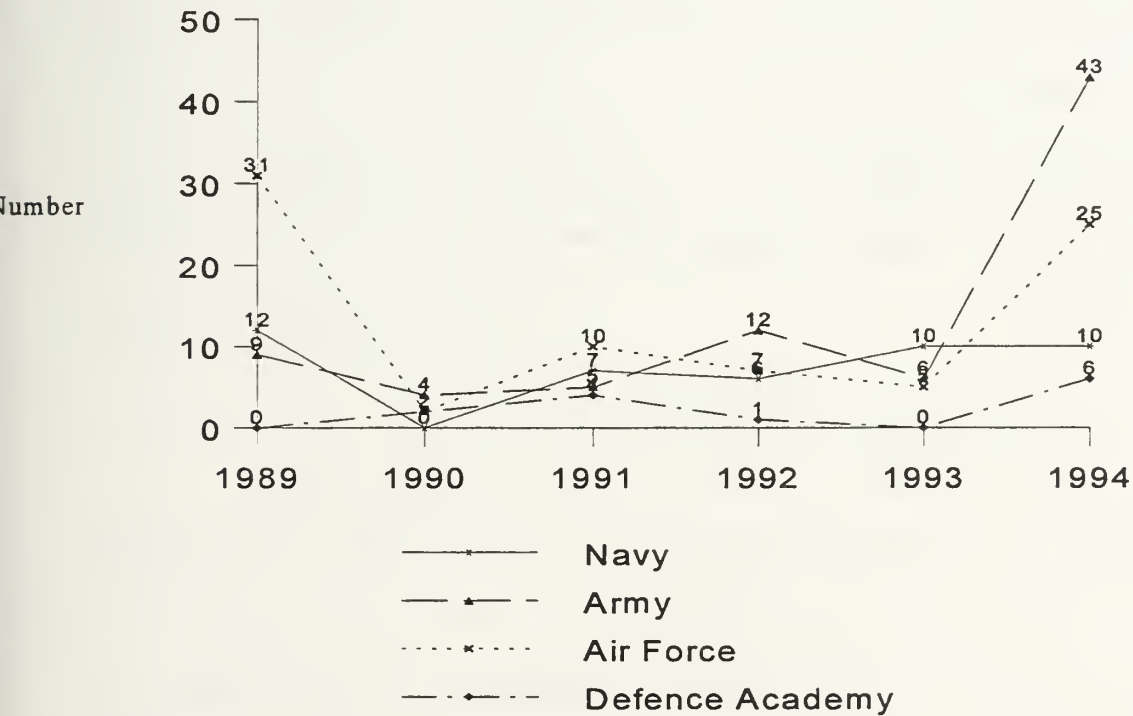
As seen in Table 15, which illustrates the number of reported incidents of sexual harassment from 1989 through 1995, the reported incidents of sexual harassment and sexual offenses for the ADF changed markedly following the 1994 Senate Inquiry. At the same time, Table 16 charts the number of reported incidents of *sexual offences* from 1989 through 1995. As can be seen, in 1993 there were 21 incidents of sexual harassment and 18 sexual offenses reported. In 1994, the number of sexual harassment incidents jumped to 84, and the number of sexual offences to 27. It is suggested that the increase was the result of greater awareness about sexual harassment.¹¹¹

¹¹⁰ Bronwen Grey. "Sexual Harassment in the Australian Defence Force," 19 May 1995.

¹¹¹ Ibid.

TABLE 15

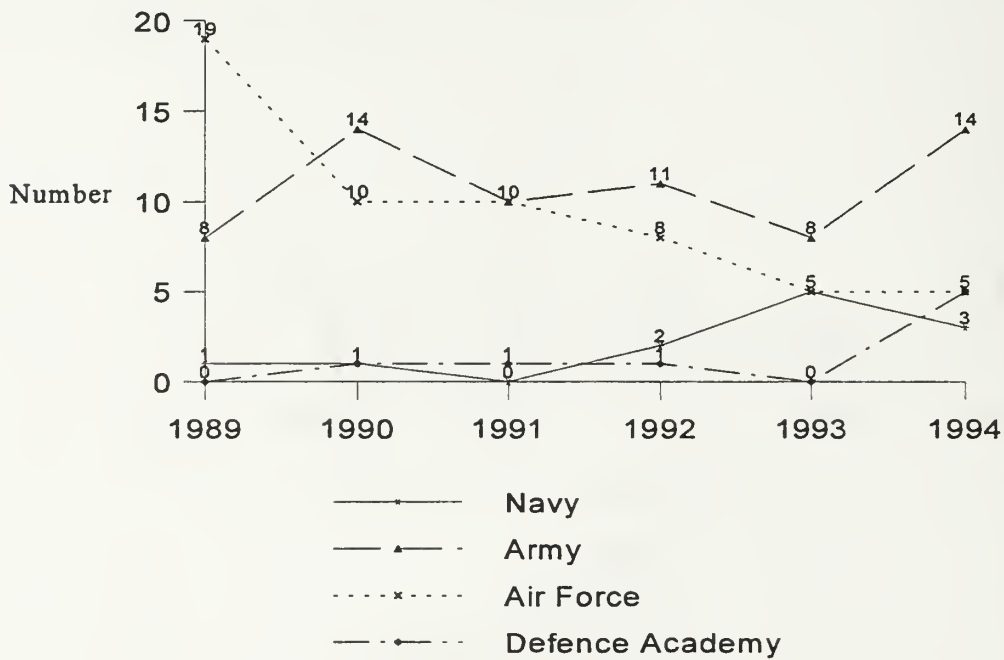
NUMBER OF REPORTED INCIDENTS OF SEXUAL HARASSMENT IN THE
AUSTRALIAN DEFENCE FORCE, BY SERVICE AND YEAR, 1989-1994



Source: Data from Australian Defence Force Service Personnel Policy Branch Issue Paper by Bronwen Grey, May 19, 1995.

TABLE 16

NUMBER OF REPORTED INCIDENTS OF SEXUAL OFFENCES IN THE
AUSTRALIAN DEFENCE FORCE, BY SERVICE AND YEAR, 1989-1994



Source: Data from Australian Defence Force Service Personnel Policy Branch Issue Paper by Bronwen Grey, May 19, 1995.

2. The 1987 and 1995 ADF Family and Career Study.¹¹²

a. *Background.*

In 1987, this study was aimed at providing policy makers with information about the career intentions of service members, and their feelings about their careers. The 1987 study included a questionnaire in which only a small section, 12 items exactly, was related to the occurrence and perceptions of sexual harassment problems. At the time, this section was outside the aims of the report and, thus, did not precipitate much response as a result of the statistics. The 1995 study uses a questionnaire, the Sexual Experiences Questionnaire (SEQ), which includes the 12 items from the 1987 questionnaire, and adds to it questions from Form B of the 1995 U.S. DoD Sexual Harassment Survey. The SEQ limits the experiences to the workplace. This approach allows for a measure of change in incident rates between 1987 and 1995.

b. *Changes between 1987 and 1995.*

As reflected in Table 17, a comparison of the 1987 and 1995 responses indicate that the incidence of all types of sexual harassment has declined for women, with women who indicate the behaviors that *currently* occurred in their work place, at least to some extent, dropping from 40 to 34 percent. Furthermore, those indicating that they *currently* experienced unwanted sexual attention in their workplace went from 24 percent in

¹¹² Kathryn Quinn, "Sexual Harassment in the Australian Defence Force," 1995, pp. IV- V.

1987 to 15 percent in 1995; and those experiencing sexual coercion went from 2 percent to 1 percent.¹¹³ Nevertheless, it is interesting to note that when women respond to the question of sexual harassment in terms of “is a problem generally,” the percentages increase for all three categories from 1987 to 1995, and are higher than the percentages reported for all other questions.

c. Gender Harassment, Offensive Sex-related Behavior, and Unwanted Seductive Behavior Experienced.

Table 18 illustrates the percent of personnel experiencing gender harassment, offensive sex-related behaviors, and unwanted seductive behaviors *often*. Respondents who had experienced the behavior *very often* or *sometimes* are not included in the listed percentages. The magnitude of change if these responses were included is unknown since the data was unavailable.

The majority of women experienced gender harassment within the past year, with sexist remarks as the behavior experienced by the largest percentage of women (62 percent). Offensive sex-related behavior experienced by the large majority of women and men are sexual stories and offensive jokes, with 76 percent of the women and 60 percent of the men reporting it occurs often and 18 percent of women and 16 percent of men reporting it occurs very often. Crude and offensive sexual remarks were reported to be experienced by 50 percent of women and 28 percent of men, and 47 percent of women and 22 percent of men experienced offensive remarks about their appearance, body, or sexual activities.

¹¹³ Ibid.

TABLE 17

**SEXUAL HARASSMENT EXPERIENCED BY AUSTRALIAN DEFENSE FORCE
PERSONNEL, BY GENDER AND YEAR (1987 AND 1995)**
(1995 AUSTRALIAN DEFENCE FORCE SEXUAL EXPERIENCES QUESTIONNAIRE)

Behavior ¹	Percent		
	Women 1987	Women 1995	Men 1995
Gender/Hostile Workplace (Category 1)²			
-Occurred in workplace in <i>past</i>	53	57	45
-Occurs in workplace <i>now</i>	40	34	26
-Has been/is now a problem for you	25	25	5
-Is a problem generally	58	65	40
Unwanted Sexual Attention (Category 2)³			
-Happened to you in workplace in <i>past</i>	42	44	8
-Happens to you in workplace <i>now</i>	24	15	5
-Has been/is now a problem for you	28	29	3
-Is a problem generally	53	63	29
Sexual Coercion (Category 3)⁴			
-Happened to you in workplace in <i>past</i>	11	11	2
-Happens to you in workplace <i>now</i>	2	1	0
-Has been/is now a problem for you	9	10	1
-Is a problem generally	29	38	20

Source: Data from 1987 Questionnaire and 1995 Australian Defence Force Sexual Experiences Questionnaire as cited in Kathryn Quinn's Report, "Sexual Harassment in the Australian Defence Force," Australian Army Psychology Corps, 1995.

Note¹: Behavior experienced in the workplace and defined as sexual harassment.

Note²: Category 1 behaviors relate to environment generally; include poster displays depicting women as objects of sexual fantasy, the telling of sexually suggestive jokes and the expression of derogatory comments about your gender; includes leering and wolf whistling; will not necessarily be directed at you personally, but can create a hostile workplace where you feel uncomfortable, embarrassed or intimidated.

Note³: Category 2 behaviors are directed at you personally, include uninvited physical contact such as touching, patting, brushing against you, standing over you or standing too close or cornering you; include sexually suggestive comments about your body, appearance or personal life; includes uninvited requests for sexual contact from co-workers.

Note⁴: Category 3 behaviors include uninvited requests or demands for sexual contact from a superior, especially if you feel that refusal will adversely affect your career, job, or course evaluation.

TABLE 18

**GENDER HARASSMENT, OFFENSIVE SEX-RELATED BEHAVIOR AND UNWANTED
SEDUCTIVE BEHAVIOR EXPERIENCED "OFTEN"¹ BY AUSTRALIAN DEFENCE
FORCE PERSONNEL DURING THE PAST YEAR, BY GENDER**
(1995 AUSTRALIAN DEFENCE FORCE SEXUAL EXPERIENCES QUESTIONNAIRE)

Behavior ²	Percent	
	Women	Men
Gender Harassment		
-Offensive sexist remarks	62	7
-Put you down or was condescending because of your sex	59	7
-Treated differently because of your sex	58	7
Offensive Sex-Related Behaviors		
-Repeatedly told sexual stories or offensive jokes	76	60
-Made crude and offensive sexual remarks	50	28
-Made unwelcome attempts to discuss sexual matters	48	23
-Whistled, called, or hooted at you in a sexual way	48	10
-Stared, leered or ogled at you in a way that made you uncomfortable	44	4
-Made offensive remarks about your appearance, body or sexual activities	47	22
-Displayed, used, or distributed sexist or suggestive materials	38	35
-Made gestures or used body language of a sexual nature	38	9
-Exposed themselves physically	12	4
Unwanted Seductive Behavior		
-Made unwanted attempts to establish a romantic sexual relationship despite efforts to discourage it	34	5
-Made unwanted attempts to stroke, fondle, or kiss you	24	5
-Continued to ask you for dates even though said "no"	21	3
-Treated you badly for refusing to have sex	14	3

Source: Data from 1995 Australian Defence Force Sexual Experiences Questionnaire as cited in Kathryn Quinn's Report, "Sexual Harassment in the Australian Defence Force," Australian Army Psychology Corps, 1995.

Note¹: Percentages only include respondents who reported experiencing the behaviors "often." Those who marked "very often," or "sometimes," or "once or twice" are not reflected in these figures--data was not available.

Note³: Behavior experienced during the past year from military personnel on or off duty and/or civilian employees and contractors. Respondents did not necessarily define the behaviors as sexual harassment.

Note²: Multiple responses allowed.

d. Sexual Bribery and Sexual Assault.

In response to the survey, 5 percent of women and 1 percent of men felt they were being bribed for sex or threatened with retaliation for not being sexually cooperative. Furthermore, 3 percent of women and less than 1 percent of men had been sexually assaulted, while 1 percent of women and less than 1 percent of men had been raped.

e. The Profile of the Victims and Harassers.

Young women under 30 years old, single women, female officer cadets, and female junior officers are more at risk for harassment than are other groups. The harasser was reported by 91 percent of the women and 40 percent of the men to be male. Furthermore, the majority of women reported that the harasser was older (60 percent), and was most often a military co-worker (61 percent). Women are more likely to be harassed by a senior (44 percent), with 17 percent indicating the harasser was their immediate supervisor or unit commander.

f. Effects of Unwanted Behavior.

The effects of the unwanted behavior were reported as follows: 72 percent of women and 34 percent of men were upset; 56 percent of women and 26 percent of men indicated that working became unpleasant/hostile for them; 43 percent of women and 20 percent of men reported that it hurt their productivity/job performance; and 26 percent of women and 11 percent of men reported that the offending individual retaliated against them with an unfairly lowered performance evaluation.

g. Actions in Response.

Table 19 shows the actions of personnel in response to a harassment experience that affected them most severely. Clearly, the most common response was to do nothing (68 percent) or act as though it did not bother them (63 percent). In a little over one-third of these instances, the response made things better. However, of the 57 percent of the respondents who told the person to stop, 56 percent reported the situation improved by their actions. Only 16 percent of respondents complained to their immediate supervisor, and fewer, 7 percent, filed a complaint with their Commanding Officer. These actions made the situation better in less than half the cases (44 percent and 45 percent, respectively).

h. Reasons for Not Reporting.

Personnel cited a variety of reasons for not reporting the behavior, as illustrated in Table 20. Although the majority of the personnel (55 percent) took care of the problem themselves, others (42 percent) did not think it was important, thought it would make their work situation unpleasant (18 percent), or did not know what to do (7 percent).

i. Training.

The survey indicated that 74 percent of personnel had received some training related to sexual harassment in the last 12 months. Of those who received training, 68 percent thought it was moderately or very effective in increasing awareness, and 46 percent thought it was moderately effective or very effective in actually reducing or preventing sexual harassment.

TABLE 19

**ACTIONS TAKEN BY AUSTRALIAN DEFENCE FORCE PERSONNEL¹
AFTER EXPERIENCING SEXUAL HARASSMENT**
(1995 AUSTRALIAN DEFENCE FORCE SEXUAL EXPERIENCES QUESTIONNAIRE)

Action Taken ²	Percent		
	Yes ³	Made better ⁴	Made worse
I ignored the behavior or did nothing.	68	34	4
I acted as though it didn't bother me.	63	38	9
I asked or told the person(s) to stop.	57	56	6
I avoided the person.	45	48	6
I asked someone else to speak to the person for me.	22	48	14
I threatened to tell or told others.	19	39	15
I made a complaint to my immediate supervisor.	16	44	10
I made a complaint to my Commanding Officer (CO).	7	45	15
I made a complaint to someone else in the chain of command other than my supervisor or CO.	10	40	14

Source: Data from 1995 Australian Defence Force Sexual Experiences Questionnaire as cited in Kathryn Quinn's Report, "Sexual Harassment in the Australian Defence Force," Australian Army Psychology Corps, 1995.

Note¹: Respondents selected the one harassment experience that had the greatest effect on them.

Note²: Multiple responses allowed.

Note³: A "Yes" response means the respondent took the corresponding action.

Note⁴: "Made better" indicates that the respondent believed that by taking the corresponding action, their situation improved. Likewise, "made worse" indicates the respondent believed that by taking the corresponding action they had make their situation more difficult.

TABLE 20

**REASON¹ CITED BY AUSTRALIAN DEFENCE FORCE PERSONNEL
FOR NOT REPORTING THE UNWANTED BEHAVIOR**
(1995 AUSTRALIAN DEFENCE FORCE SEXUAL EXPERIENCES QUESTIONNAIRE)

Reason ^{2,3}	Percent
	Yes ⁴
I took care of the problem myself.	55
I did not think it was important.	42
I thought it would make my work situation unpleasant.	18
I did not think anything would be done.	12
I did not want to hurt the person who bothered me.	12
I thought I would be labeled a troublemaker.	10
I wanted to fit in with my work group.	10
I was too embarrassed.	9
I did not know what to do.	7
I thought I would not be believed.	6
The person who bothered me was my supervisor.	6
I thought my performance evaluation or chances for promotion would suffer.	5
I thought it would take too much time and effort.	5

Source: Data from 1995 Australian Defence Force Sexual Experiences Questionnaire as cited in Kathryn Quinn's Report, "Sexual Harassment in the Australian Defence Force," Australian Army Psychology Corps, 1995.

Note¹: Respondents selected the one harassment experience that had the greatest effect on them.

Note²: Multiple responses allowed.

Note³: Only most frequently cited responses listed.

Note⁴: A "Yes" response indicates that the respondent believed the corresponding reason was at least in some part their reason for not reporting the unwanted behavior. Percentages are based on the subgroup that reported experiencing sexual harassment.

j. *Command Climate.*

Overall, 66 percent of ADF members reported that they thought sexual harassment occurred less frequently “now” than it did a few years ago. The majority (91 percent) thought that senior leadership made honest and reasonable efforts to stop sexual harassment. Finally, 86 percent of ADF members think a policy of “zero tolerance” is practiced to a moderate extent in their unit; and 64 percent felt that it was practiced to a very large or large extent.

In summary, the 1995 ADF Family and Career Study found a decrease in sexual behaviors that *currently* occurred in their workplace, and the majority reported that they thought sexual harassment occurred less frequently than a few years ago. However, a higher percentage of women in 1995 than in 1987 indicated that sexual harassment was a problem in general for all three categories of behaviors. The majority of women experienced gender harassment, with sexist remarks the behavior experienced by the largest percentage of women. Younger women were more at risk for harassment; and men were most frequently cited as the harasser. The unwanted behavior upset the large majority of women, but the most common response was to do nothing or act as though it did not bother them. The majority of personnel had received some sexual harassment related training.

3. **Findings from the 1995 Army Harassment Awareness Training Evaluation Questionnaire (AHATEQ).**¹¹⁴

a. Background.

This study provides an avenue for measuring acceptable or unacceptable behavior by the service members, and how men and women may differ in their opinions. It draws much of its questionnaire content from the 1991 Canadian Armed Forces Survey, the U.S. DoD Sexual Harassment Survey, and the 1989 Women in the Australian Defence Force Survey. The 1995 AHATEQ also provides valuable feedback in determining the effectiveness of training as of 1995.

b. Personnel Views of Harassment.

The report categorizes levels of harassment into four factors labeled as follows and with the following results:

(1) Innocuous Behavior. This category included items that were more acceptable socially than harassment. Responses from men and women were viewed equally as unoffensive. Thus, there were no gender differences found in this factor.

(2) Low Level Sexual Harassment. This category included nine items that were intended to examine gender differences and thus included examples like “a man pats a woman on the behind” and “a woman pats a man on the behind.” Gender differences were identified in five of the nine items. In three of these, women more

¹¹⁴ H. C. Mendes and A. T. MacIntyre “Findings from the 1995 Administration of the Army Harassment Awareness Training Evaluation Questionnaire.

frequently viewed the behaviors as being always unacceptable in the workplace: “a woman tells a man he is sexy,” “a woman pats a man on the behind,” “a woman gives a man a message slip with a ‘dial-a-porn’ phone number.” The authors point out the interesting point that the three items found more unacceptable by women were all actions initiated by women. In the two remaining items with gender differences, men more frequently found the behavior to be always unacceptable in the workplace: “a man whistles at a woman,” and “a superior has an indiscreet relationship with a subordinate.” Overall, statistically significant gender differences were not found within this factor when using factor analysis, which was surprising to the authors, since “empirical literature suggests that men are more accepting than women of the behaviours that encompass this type of harassment.”¹¹⁵

(3) Sexual Assault/High Level Harassment. This category contained the most egregious forms of sexual harassment, including quid pro quo requests for sexual favors. No gender differences were seen, as both men and women equally found these types of behaviors to be always unacceptable.

(4) Personal Harassment. This category included racial, religious, and other general types of harassment. A significant gender difference was found within this factor. Five of the eight statements were viewed significantly more often by women as always unacceptable: “a person stares and leers at another person’s physical appearance,” “a person makes an offensive gesture to another person,” a person is excluded from training

¹¹⁵ Ibid, p. 7.

based on their marital status,” “a person discusses another person’s perceived sexual prowess,” and “a person displays provocative posters with sexual connotation.”

c. Knowledge of Procedures.

Significantly more women (75 percent) than men (69 percent) know who the designated contact person is to report or discuss sexual harassment incidents. The large majority (95 percent women and 91 percent men) of personnel selected the option “tell the harasser to stop” in response to the question, “What could you do if you were subjected to a harassment-related incident?” Other responses included: 84 percent of women and 79 percent of men could “advise the chain of command,” 43 percent of women and 45 percent of men could “phone the help line,” 46 percent of women and 43 percent of men could “ask a friend to help,” and 13 percent of women and 21 percent of men selected “other.”

d. Competence in Handling Incidents.

In response to the question, “How would you rate your level of skill in advising someone on what to do if they were being harassed,” 70 percent of personnel responded “moderately skilled,” “very skilled,” or “extremely skilled.”

Supervisors’ and Managers’ responses to the question, “How confident are you that you could effectively handle a harassment complaint,” indicated that 87 percent were “moderately confident,” “very confident,” or “extremely confident.”

e. Perceptions Regarding Superiors.

Responses indicated that 62 percent of subordinates viewed their superior as being “proactive” in dealing with sexual harassment policy, and 71 percent of subordinates viewed their Commanding Officer as being “proactive.”

f. Training.

In response to the question, “Have you received any harassment awareness training while in the Army,” 76 percent of men and 75 percent of women indicated that they had received training. Of those who had received training, 12 percent received the bulk of it in 1993, 44 percent in 1994, and 44 percent in 1995.

Approximately 27 percent of respondents said that they had received training during the CO hour, and 57 percent had received it during a unit presentation or other military session.

Further, of eight choices offered, 38 percent of men and 37 percent of women indicated the training had been relevant, and 38 percent of men and 36 percent of women indicated it had been appropriate. Concerning the adequacy of training, 84 percent of the men and 76 percent of the women considered their training to have adequately prepared them to deal with harassment incidents.

In summary, the AHATEQ, which used factor analysis to distinguish four levels of behavior, found that men and women viewed innocuous behavior equally unoffensive, and low level and high level sexual harassment as equally unacceptable

(differences were not statistically significant). There was, however, a significant gender difference in the way men and women view various forms of Personal Harassment.

Additionally, the majority of personnel knew the appropriate procedures in response to a harassment incident, felt competent to handle them, perceived their superiors as being "proactive" in dealing with sexual harassment, and had received training.

4. Unit Feedback through Combat Related Employment Evaluation (CREW) Focus Groups.¹¹⁶

a. Background.

In 1995, approximately 39 CREW focus groups spoke to 344 Army personnel through focus groups. Three types of groups were formed: all men, all women, or mixed gender. The CREW teams discovered interesting observations regarding the communications of men and women. As stated in the Combat Related Employment of Women Evaluation Team: Harassment and Discrimination 1995 Annual Report,

The reason behind separating the genders was that in mixed gender groups, males would often dominate the group with females having to be continually coaxed to give their views in the face of some strongly negative male attitudes. . . . The male group responses were often very direct and brief with little, if any, group interaction. The female groups, however, were highly interactive with detailed responses.¹¹⁷

¹¹⁶ Combat Related Employment of Women Evaluation Team: Harassment and Discrimination Annual Report 1995.

¹¹⁷ Ibid, p. 13.

b. Findings.

Overall, 71 percent of the groups thought that sexual harassment was a problem in the Army. Mixed gender groups reflected a higher percentage (86 percent) than the male and female groups (60 percent). The focus group found that 52 percent of the groups had witnessed or experienced sexual harassment and, of those, only half were resolved to the complainant's satisfaction. Furthermore, discussion groups revealed a large number of men who "held the perception that a sexual harassment allegation was a woman's weapon and that males were now wary of working alongside women for fear of being accused of harassment."¹¹⁸

Following a peak in 1994 (50 complaints) with the Senate Inquiry, CREW found that the incidence of sexual harassment decreased in 1995 (to 35 complaints). Most of the groups thought that workplace harassment in the Army was increasing. This finding is interesting in light of the statistics from the 1995 ADF Family and Career Study's Sexual Experiences Questionnaire, which suggested a downward trend in the levels of sexual harassment in the ADF. The disconnect may indicate that the Army is experiencing a greater amount of harassment, while other services are experiencing less; or that the questionnaire did not capture the extent of the sexual harassment problem; or that the perceptions of members of the focus groups were influenced by other members of the group. The focus groups also reported that women are the main complainant of sexual offenses.

¹¹⁸ Ibid, p. 20.

Overall, the ADF has implemented sexual harassment training, policies, and measurement tools, in addition to assessment groups, to eliminate sexual harassment. Although the 1995 ADF Family and Career Study Sexual Experiences Questionnaire (SEQ) suggests a decline in the incidence of sexual harassment, it still indicates that sexual harassment is a problem in general for the majority of women in the ADF. The AHATEQ and CREW focus groups provide additional evidence that women in the Army are experiencing sexual harassment too often. As in the U.S. Navy and others, continued efforts toward cultural change seem necessary to eliminate sexual harassment in the ADF.

V. CANADIAN DEFENCE FORCE

A. BACKGROUND.

1. Initial Recognition.

In 1981, in response to increased attention on the issue of sexual harassment, the Canadian Human Rights Commission conducted the first national study on unwanted sexual attention. The study included interviews along with a survey. The results showed that 41 percent of the respondents had experienced some form of unwanted sexual attention, 49 percent of the women and 33 percent of the men.¹¹⁹

In 1992, the Treasury Board initiated a new nationwide study on harassment in the workplace, citing the increase of the harassment phenomenon, the cost to employers and employees in terms of productivity, and human and financial resources as the driving force behind their action. Among the significant findings of this study was the fact that abuse of authority and personal harassment were the grounds for complaints in 72 percent of the cases. Sexual harassment was cited in only 10 percent of the cases.¹²⁰

¹¹⁹Canadian Human Rights Commission "Unwanted Sexual Attention and Sexual Harassment : Results of a Survey of Canadians, pp. 1-5.

¹²⁰ Treasury Board of Canada "Study on Harassment in the Workplace," Sep 1994, p.7.

2. Influential Events.

a. *Bonnie R. Vs. Department of National Defence (DND).*

In 1982, the DND lost a court case and was held responsible for the actions of a male foreman toward a female cleaning supervisor, Bonnie R. This case was appealed to the Supreme Court of Canada, which stated in its 1983 decision that an employer must provide a work environment free of harassment, and that “only an employer can remedy undesirable effects; only an employer can provide the most important remedy--a healthy work environment.”¹²¹ In 1989, the Canadian Human Rights Commission (CHRC) ordered DND to pay Bonnie R. \$5,000 for her pain and suffering, to formally apologize, and to post a written apology in every DND facility.

In response, the Chief of the Defence Staff issued a policy statement regarding personal harassment. Additional court cases between 1982 through 1988 further supported the employer’s responsibility to provide a harassment-free environment, and the Canadian Forces Associate Deputy Minister (Personnel) reminded personnel through additional correspondence of the rights and obligations of employees. The first policy of its kind, Canadian Forces Administrative Order, CFAO 19-39 followed in 1988, defining personal harassment, sexual harassment, abuse of authority, and the complaint process within the Canadian Forces.

¹²¹ Lieutenant Colonel C. Hamel. “Canadian Forces Harassment Report,” 6 Feb 95, p. A-1/25.

b. Melvin S. Vs. DND.

Once again, in October 1994, a Canadian Human Rights Tribunal upheld the responsibility of an employer to ensure that the workplace is free of harassment. The tribunal found that the Canadian Forces (CF) had not responded promptly and effectively, had glossed over the complaints, and had insisted that complaints be formalized before any action be taken. Interestingly, the tribunal ordered the following:

1) that the definitions of harassment be revised; 2) that the policy make provisions for the investigation of a complaint to occur outside the complainant's chain of command wherever possible and practical; 3) that the policy be revised to remove the commanding officer's ability to, or the perception of the ability to, influence whether a complaint is investigated, how it is investigated or the results of the investigation; 4) that the policy be revised to clearly state the consequences to a commanding officer if appropriate action is not taken as a result of an investigation and remove his power to veto an investigator's conclusions; and 5) that the policy be revised to allow for an appeal or bring forward mechanism (similar to the redress of grievance procedure). In the case of 1) above, the tribunal was concerned that the harassment policy had been driven by sexual harassment and believed that the draft policy reflected this emphasis. The tribunal expressed the view that one form of harassment should not be subordinate to another.¹²²

Although the CF appealed the case, it has nevertheless revised its harassment policy to reflect the tribunal's concerns.

3. Number and Roles of Women.

In 1989, the Canadian Human Rights Tribunal ordered the removal of restrictions on the employment of women in the CF. This change, in addition to downsizing efforts of the

¹²² Ibid. P. A-3/25.

military that began in the early 1990s, has affected the total number of women in the CF. Nevertheless, the overall percentage of women has still increased from 10 percent in 1989 to 11 percent in 1996. In 1996, there were 7,352 women, compared with 60,304 men, and women accounted for 11 percent of the officer corps.¹²³

B. REVIEW OF POLICIES.

Despite the fact that they have not faced a true watershed event, the CF responded to the changes in the legislative and demographic environment by implementing well thought-out policies to provide the necessary structural framework for eliminating sexual harassment. The CF policy, similar to that of the New Zealand Defence Force, attempts to eliminate sexual harassment by using an “umbrella approach” which folds in all forms of harassment. The next section lists the legislative and policy references, and then highlight some of the significant items from the policies.

1. Legislative References.

Canadian Human Rights Act.

2. Policy References.

- a. Canadian Forces Administrative Order 19-39, Personal Harassment.*
- b. Canadian Forces Administrative Order 19-36, Sexual Misconduct.*
- c. Canadian Forces Administrative Order 19-40, Human Rights--Discrimination.*

¹²³ “A Synopsis of Female Representation in the Canadian Forces,” 1996, p. 1/12.

3. Policy Highlights.

The Canadian Policy initially provides a definition of harassment, and discusses in the policy the many forms of harassment, “including, but not limited to, the abuse of authority, sexual harassment, discrimination and hazing. . . .”¹²⁴ Harassment is, therefore, defined as “conduct exhibited once or repeatedly, that offends, demeans, belittles or humiliates another person and that the person exhibiting the conduct knew or ought reasonably to have known would be unwelcome.”¹²⁵ The policy later discusses sexual harassment as follows:

Sexual harassment may have the purpose or effect of placing a condition of a sexual nature on employment or an opportunity for training or promotion. Like other forms of harassment, it may have the purpose or effect of unreasonably interfering with a person’s work performance or creating a hostile, intimidating or offensive work environment.¹²⁶

It goes on to describe examples of such conduct.

Other highlights of the overriding policy, CFAO 19-39, are the requirements for designated and trained harassment advisors at every unit, the emphasis of early resolution by either informal or formal means, the requirement for feedback to a complainant within 14 days of receipt of the formal complaint, and the option of either using the chain of

¹²⁴ CFAO 19-39

¹²⁵ Ibid.

¹²⁶ Ibid.

command or going outside the chain of command to any harassment advisor or person in a position of responsibility (chaplain, doctor, supervisor). The policy states that the complainant has the right to know of any disciplinary or administrative action taken against the harasser. It also provides guidance on investigation procedures, requires formal reporting of complaints, and ensures statistical monitoring via periodic surveys initiated by National Defence Headquarters.

C. SEXUAL HARASSMENT TRAINING AND ASSOCIATED PROGRAMS.

Although the CFs sexual harassment training and programs are relatively new, they deserve recognition for their unique approach to training and their efforts to get at the very heart of the sexual harassment issue, the culture. The Support Harassment and Racism Prevention (SHARP) training initiative is featured later as an international highlight, as is their Defence 2000: A Vision for Management through Innovation. The next section will describe the training and programs within the CF, including SHARP, Air Command Harassment Elimination Programme (HELP), training modules, Harassment Case Advisers (HCA), and the Defence 2000 Vision.

1. Support Harassment and Racism Prevention (SHARP).

SHARP's implementation directive was distributed in September 1996, and is the cornerstone of the Canadian education and prevention program. The first paragraph in the implementation plan signals the uniqueness of this training plan by declaring, "It is extremely important that this programme be approached with an open mind and in a positive

manner.”¹²⁷ The directive continues by highlighting the program’s potential significant return on investment through the long-run savings of time and money and then answers the question, “What will the SHARP programme do for you?”¹²⁸ The directive suggests that this program will increase productivity and improve morale on an organization level by providing a more comfortable and less threatening work environment, and it will result in individuals being treated with dignity.

The mission of the program is “to act as a catalyst to begin behavioural and attitudinal changes. . . .”¹²⁹ Initial implementation consisted of a program to train an initial cadre of 272 trainers who delivered the training throughout the force. Eventually, appropriate modules of SHARP will be included in other existing training and education courses. Special emphasis is placed on the requirement of personnel who are selected to be trained as instructors to be effective in guiding discussions, in communication skills, and in facilitation skills. As noted in the Departmental Authority (DA) Implementation Directive for SHARP:

The importance of the guided discussion instructional strategy must be emphasized to instructors. Guided discussion is required if maximum effectiveness of the training is to be achieved. A reversion to lecture or briefing style presentation, or a desultory or lip service approach will do more

¹²⁷ “Departmental Authority (DA) Implementation Directive For the Standards for Harassment and Racism Prevention (SHARP) Programme,” Sep 1996, p. 1/3.

¹²⁸ Ibid, p. 2/3.

¹²⁹ Ibid, p. 3/15.

harm than good and will not further the Departmental and CF goals. It will only serve to reinforce existing attitudes.¹³⁰

The maximum class size for instruction is 15 members, and the directive suggests a cross section of military, civilian, men, women, and personnel of varied ranks. With instruction consisting mainly of video-based guided discussions, the directive warns that the videos are controversial, stating, “the videos may be perceived as sexist, racist, or worse if taken out of context. . . . Media and interest groups wishing to observe the programme should be invited to participate for the full session.”¹³¹

Managing authorities are required to report their progress toward meeting the benchmark of 100 percent of personnel trained within 24 months of this directive. Furthermore, managing authorities are asked to keep an accurate log of “lessons learned” throughout the implementation.

The program is divided into three courses: Sensitization, Leadership, and Investigation and Mediation. Sensitization is the introductory course designed for individuals who are not in management that focuses on awareness and individual responsibilities in basic harassment and racism prevention training. Leadership, while geared for leaders and managers, includes most of the content in the Sensitization course, but further addresses management’s roles, policy, and the impact of harassment and racism. Investigation and Mediation (I&M) is designed for advisors, investigators, or mediators and

¹³⁰ Ibid, p. 11/15.

¹³¹ Ibid, p. 13/15.

provides specific information on the processes of investigation and mediation as related to harassment and racism. Individuals are required to have taken the Leadership course prior to I&M.¹³²

SHARP began implementation in February of 1996. By March 1996, 158 instructors had been trained at nine sites across the country. Reaction at that time was very positive.¹³³ By the end of fiscal year 1996, a total of 25, 416 persons had received training.

2. Air Command Harassment Elimination Programme (HELP).

HELP was developed within the Air Command in 1992 in response to a number of controversial sexual harassment cases that received wide media attention. It combines education with an alternative reporting and assistance avenue.

3. Harassment Case Advisers (HCA).

Every military unit is now required to have at least one harassment advisor. This advisor provides advice to both members and supervisors in the unit. Advisers are available to receive complaints and to help facilitate resolution.

4. Defence 2000: A Vision for Management Through Innovation.

This philosophy and strategy of management incorporates a strategic goal that includes creating an environment free of harassment. It states:

¹³² Ibid, p. A-3/8.

¹³³ "Human Rights Annual Report," 1995-1996, p.15.

Create an environment where all personnel feel empowered and committed to giving their best in improving our defence capability, managing costs, and making their organization a better place to work.¹³⁴

Additionally, it seeks to reduce the special focus on women's issues by incorporating them into normal management practices over time. Specifically, it states,

Defence 2000 principles are service, innovation, people, and accountability. People are recognized as a key asset, and as such Defence 2000 promotes:

- Respect of each person and encouragement of individual growth.
- Equity in employment and recognition of diversity
- An approach stressing communication, teamwork and participation in decision making.¹³⁵

D. ASSESSMENT GROUPS.

The CF uses a single influential assessment group to examine the issues surrounding women in the military forces, the Minister of National Defence Advisory Board on Gender Integration in the Canadian Forces. The next section briefly describes this group.

1. The Minister of National Defence (MND) Advisory Board on Gender Integration in the Canadian Forces.

In 1989, the Canadian Human Rights Tribunal ruled that the trials of women in non-traditional roles should cease, and that women were to be fully integrated into all roles, with the exception of submarines, over the next ten years. As a result, the Minister's Advisory Board on Women in the Canadian Forces (MABWCR) as it was originally called, a board which is external to the military, was formed of seven civilian members with the mandate

¹³⁴ C. Hamel. "Canadian Forces Harassment Report," 6 Feb 95, p. A-11/25.

¹³⁵ Ibid, p. A-11/25

to advise and make recommendations on the progress of integration. The Board later requested its name be changed to “better reflect their task and to distinguish its function from that of a ‘status of women’ watchdog.”¹³⁶ The Board visits units and obtains information through briefings and interviews primarily of same gender and rank groups, and sometimes mixed groupings.

In its 1992-1993 Annual Report, the Board reported finding problems throughout the force in dealing with the complexity of the sexual harassment issue. The most common problems were attempts to adhere to the chain of command, even when complainants did not believe it would help and when it had become apparent that it was not working; command emphasis on taking action on the complainant or the accused prior to full investigation of the allegations; and a lack of timely support and counsel. The report stated that “these errors are the result of ignorance of the complex nature of sexual harassment cases and an attempt to treat them like any other misdemeanour.”¹³⁷

The Board recommended the development of a Harassment Elimination System that would be founded on three elements: education, assistance, and trained investigators. They further proposed the development of an alternative harassment complaint system, which

¹³⁶ The MND Advisory Board on Gender Integration in the Canadian Forces Annual Report, 1992-1993, pp. 1-3.

¹³⁷ Ibid, p. 26.

would offer recipients of sexual harassment an avenue outside the formal chain of command.¹³⁸

E. MEASUREMENT INSTRUMENTS.

The CF uses several measurement instruments, in addition to the Advisory Board, to gather information on the issue of sexual harassment. The next section reviews these tools, which include: Canadian Forces Personal Harassment Questionnaire (CFPHQ), Personnel Policy Review, Incident Reports, and Attrition Rate Monitoring.

1. Canadian Forces Personal Harassment Questionnaire (CFPHQ).

This 1992 survey adopted a similar approach to that of the 1987 U.S. MSPB and the 1988 U.S. DoD sexual harassment surveys. The CFPHQ used a 12-month time period and accepted claims of harassment from respondents, regardless of whether these claims were substantiated in a subsequent investigation.

2. Personnel Policy Review: Canadian Forces Approach to Harassment in the Workplace, April 1993.

This study focused primarily on written policy and the development of an implementation plan. Included in the review were issues relating to communication of the policy, education programs for members, and training for leaders and supervisors.

3. Formal Department-Wide Harassment Incident Reports.

The CF also collects formal incident reports throughout the department. CFAO 19-39 requires annual reporting of harassment complaint and training statistics.

¹³⁸ Ibid pp. 27-29.

4. Attrition Rates Monitoring.

Personnel who leave the CF are surveyed via a questionnaire regarding their reasons for leaving, comparison of the CF to civilian life, attitude toward their experience while in the CF, preparation for civilian life, and biographical information.¹³⁹

F. SCOPE OF SEXUAL HARASSMENT.

The next section examines the findings of several of the measurement tools and of the assessment group to define the scope of sexual harassment in the CF. Specifically, it reviews the documented incidents of sexual harassment, the results of the CFPHQ, and the findings and recommendations of the Personnel Policy Review.

1. Documented Incidents of Sexual Harassment.

The Canadian Forces began collecting harassment statistics at the beginning of fiscal year 1995.¹⁴⁰ Data on complaints include formal complaints as well as informal complaints that were resolved by mediation or agreement between the parties concerned. Of the 377 civilian and military complaints in which informal resolution was attempted, 295, or 78 percent, were resolved without having to conduct an investigation. Less than 19 percent of informal complaints developed into formal complaints.

¹³⁹ C. Hamel. "Canadian Forces Harassment Report," 6 Feb 95, p. 26/2.

¹⁴⁰ Canadian National Defence Harassment Report of 17 September 1996, p. ½.

2. Results of the Canadian Forces Personal Harassment Questionnaire (CFPHQ).¹⁴¹

a. *Background.*

This survey was administered in 1992 to 5,642 Service members in an effort to examine the occurrence of personal harassment and provide feedback on the effectiveness of the personal harassment policy. The CFPHQ was the first of its kind for the Canadian Defence Force. As stated previously, this survey adopted a similar approach to that of the 1987 U.S. MSPB and 1988 U.S. DoD Sexual Harassment Survey. Similar to the U.S. NEOSH Survey, the questionnaire provides a brief definition of sexual harassment, asks respondents if they have experienced sexual harassment while performing their duties, and offers the opportunity to skip to the next segment if they say "no." Thus, only respondents who believe they had experienced sexual harassment answered questions about the types of behaviors listed. As in the NEOSH survey, this approach offers a more conservative percentage than that of the U.S. MSPB or U.S. DoD Sexual Harassment Survey.

b. *Incidence of Harassment.*

The survey results show that 26 percent of female respondents and 2 percent of their male counterparts believe they experienced sexual harassment. A larger number of personnel reported experiencing both personal harassment and abuse of authority, as Table 21 illustrates. It is interesting to note that, of the 33 percent of women who reported

¹⁴¹ Personal Harassment in the Canadian Forces: 1992 Survey, Working Paper 93-1, p. 34.

experiencing personal harassment, 83 percent perceived the basis for it as their gender, 46 percent believed it was their physical characteristics, and 27 percent believed it was their mannerism. Thus, the top three reasons cited for personal harassment are related to their femininity.

TABLE 21

**PERCENT OF HARASSMENT INDICATED BY CANADIAN FORCE
PERSONNEL DURING THE PAST YEAR, BY GENDER**
(1992 CANADIAN FORCES PERSONAL HARASSMENT QUESTIONNAIRE)

Harassment ^{1,2}	Percent	
	Women	Men
Sexual Harassment	26	2
Personal Harassment (excluding sexual)	33	19
Abuse of Authority	33	29

Source: Data from "Personal Harassment in the Canadian Forces: 1992 Survey;" Working Paper 93-1.

Note¹: Harassment of any form experienced by military personnel from other servicemembers while performing duties during the past year. Location is not specified. The behavior experienced is defined by respondent to be sexual harassment, personal harassment, or abuse of authority.

Note²: Multiple responses allowed.

Table 22 illustrates the types of sexual harassment behavior most common to the 26 percent of women and 2 percent of men who previously reported experiencing sexual

harassment. The most frequently reported behaviors for women include: unsolicited and offensive sexual teasing, jokes, remarks, or questions (84 percent); sexual talk or behavior that created an offensive, hostile or intimidating environment (64 percent); unsolicited and offensive sexually suggestive looks, gestures, or body language (59 percent); and unsolicited and offensive touching, leaning over, pinching or brushing against of a deliberate sexual nature (54 percent). Of the 2 percent of men who reported sexual harassment, the most frequent type was unsolicited and offensive sexual teasing, jokes, remarks, or questions (66 percent); unsolicited and offensive touching, leaning over, pinching or brushing against of a deliberate sexual nature (52 percent); and sexual talk or behavior that created an offensive, hostile or intimidating environment (46 percent).

c. Policy Awareness.

The survey showed that 84 percent of women and 80 percent of men were aware of the harassment policy; 39 percent of the women and 30 percent of the men had read the policy; and 24 percent of the women and 21 percent of the men had attended a training seminar.

TABLE 22

**SPECIFIC BEHAVIORS INDICATED BY THE 26 PERCENT OF CANADIAN FORCE
WOMEN AND 2 PERCENT OF CANADIAN FORCE MEN WHO REPORTED
EXPERIENCING SEXUAL HARASSMENT DURING THE PAST YEAR**
(1992 CANADIAN FORCES PERSONAL HARASSMENT QUESTIONNAIRE)

Harassment ^{2,3}	Percent ¹	
	Women	Men
Unsolicited and offensive sexual teasing, jokes, remarks or questions	85	66
Sexual talk or behavior that created an offensive, hostile or intimidating environment	64	46
Unsolicited and offensive sexually suggestive looks, gestures or body language	59	40
Unsolicited and offensive touching, leaning over, pinching or brushing against you, of a deliberately sexual nature	54	52
Unsolicited and offensive pressure for sexual favors	24	8
Unsolicited and offensive attempts to get your participation in any other kind of sexually-oriented activities	11	20
Actual or attempted rape, or sexual assault	3	0

Source: Data from "Personal Harassment in the Canadian Forces: 1992 Survey," Working Paper 93-1.

Note¹: Percentages are based on the 390 (26 percent) of women and 50 (2 percent) of men who believed they were subjected to sexual harassment. They are not based on the Canadian Force survey population.

Note²: Sexual harassment experienced by servicemembers from other servicemembers while performing duties during the past year. Location is not specified. The behavior experienced is not necessarily defined by respondent to be sexual harassment.

Note³: Multiple responses allowed.

d. Actions in Response.

Of persons who reported experiencing any type of harassment, the largest number did nothing in response to it (women, 39 percent; men, 39 percent) or avoided the

person (women, 39 percent; men, 30 percent), as indicated in Table 23. Some asked or told the person to stop (women, 30 percent; men, 15 percent), and others told their supervisor (women, 34 percent; men, 24 percent). These actions failed to make the situation better for the majority of people, although they were among the most successful choices. Other than threatening to do harm, which is most likely not recommended, unnamed other actions and getting someone else to speak to the harasser were the most successful options for women.

When formal action was taken, a large percentage of people stated that the supervisor or other officials did nothing much of the time (women, 34 percent; men, 36 percent), and took action against the person who bothered them even less often (women, 33 percent; men, 16 percent).

As indicated in Table 24, the reasons for not taking action that were most often cited were that personnel thought it would make their work situation unpleasant (women, 58 percent; men, 58 percent), they did not think anything would be done (women, 42 percent; men, 44 percent), or they thought that it would be held against them and that they would be blamed (women, 42 percent; men, 41 percent).

TABLE 23

ACTIONS TAKEN BY CANADIAN FORCE PERSONNEL¹ AFTER EXPERIENCING ANY TYPE OF HARASSMENT AND RESULTS (BETTER OR WORSE), BY GENDER
(1992 CANADIAN FORCES PERSONAL HARASSMENT QUESTIONNAIRE)

Action Taken ³	Percent ²					
	Women			Men		
	Yes ⁴	better ⁵	worse	yes	better	worse
Ignored the behavior or did nothing	39	15	14	39	14	9
Avoided the person	39	35	8	30	35	9
Asked or told the person(s) to stop	30	46	15	15	39	25
Threatened to tell others	5	36	17	4	26	31
Told my supervisor	33	35	8	24	28	14
Requested an investigation by a person senior to my supervisor	8	30	18	7	22	15
Requested a temporary assignment elsewhere	6	37	13	7	37	17
Submitted a redress of grievance	2	14	29	4	24	24
Made a joke of the behavior	16	30	19	16	32	12
Went along with the behavior	12	8	16	17	15	11
Got someone else to speak to the person(s) about the behavior	16	50	12	11	33	18
Threatened to harm the person if the behavior continued	2	83	0	6	56	17
Did something other than the above actions	9	53	9	11	40	13

Source: Data from "Personal Harassment in the Canadian Forces: 1992 Survey," Working Paper 93-1.

Note¹: Respondents selected the one harassment experience that had the greatest effect on them.

Note²: Percentages are rounded and are based on the subgroup that reported experiencing sexual, personal, or abuse of authority harassment.

Note³: Multiple responses allowed.

Note⁴: A "Yes" response means the respondent took the corresponding action.

Note⁵: "Better" indicates that the respondent believed that by taking the corresponding action, their situation improved. Likewise, "worse" indicates the respondent believed that by taking the corresponding action they had made their situation more difficult.

TABLE 24

**REASONS CANADIAN FORCE PERSONNEL WHO EXPERIENCED ANY FORM
OF HARASSMENT¹ DID NOT TAKE FORMAL ACTION, BY GENDER**
(1992 CANADIAN FORCES PERSONAL HARASSMENT QUESTIONNAIRE)

Reason ³	Percent ²	
	Women	Men
Thought it would make my work situation unpleasant	58	58
Did not think anything would be done	42	44
Thought it would be held against me or I would be blamed	42	41
Thought I would be labelled a trouble maker	39	42
Took care of problem myself / thought I could take care of it	36	27
Thought my supervisor would not understand my point of view	29	32
Did not know what actions to take	21	19
Saw no need to report it	19	19
Someone else took action for me or said something on my behalf	12	10
Was too embarrassed	11	4
Did not want to hurt the person who bothered me	9	5
Thought it would take too much time and effort	6	10
The person was not at my unit	4	4
Didn't know who did it	2	3

Source: Data from "Personal Harassment in the Canadian Forces: 1992 Survey;" Working Paper 93-1.

Note¹: Respondents selected the one harassment experience that had the greatest effect on them.

Note²: Percentages are rounded and are based on the subgroup that reported experiencing sexual, personal, or abuse of authority harassment.

Note³: Multiple responses allowed.

3. The Personnel Policy Review Canadian Forces Approach to Harassment in the Workplace, April 1993.

a. *Background.*

Initially, the Personnel Policy Review was to examine all aspects of the issue of sexual harassment in the Canadian Forces. The scope was enlarged, however, when

it became clear during the review that policy on sexual harassment should not be separate from policy on other forms of harassment. Therefore, the focus of the review was expanded and the recommendations are directed at policy issues on all forms of harassment.¹⁴²

Furthermore, while there were many advocates recommending a separate sexual harassment policy, the review recommended keeping it within the more general harassment policy. In addition to maintaining consistency throughout the department, reviewing officials' reasons were to:

- not diminish the seriousness, unacceptableness and visibility of other forms of harassment;
- not allow sexual harassment to be perceived as "just another" women's problem. Sexual harassment is a people (and social) problem that affects everyone. To separate this issue in terms of policy may inappropriately focus program efforts to prevent it onto women, rather than onto all members and the organization. This may cause misunderstanding and adverse reactions; and
- assist in addressing the problem of under-reporting. That is, women form a minority (11 percent) of the CF and want and deserve to be fully-accepted members of the organization. They already stand out as members of this

¹⁴² Personnel Policy Review: Canadian Forces Approach to Harassment in the Workplace p. 1/45.

minority and a separate policy may increase unwanted attention and further separate them from the group (which is one of the very reasons individuals do not report sexual harassment).¹⁴³

b. Highlights of the Recommended Changes.

The current CFAO 19-39 policy on personal harassment seems to indicate that numerous recommendations were incorporated into the CF program. The highlights of the recommended changes are listed.

- (1) Designate harassment advisors in every unit.
- (2) Incorporate Revised definitions of harassment.
- (3) Create a guide or protocol for investigations.
- (4) Create a statistical monitoring system.
- (5) Emphasize on communication to all members.
- (6) Require mandatory harassment awareness education.
- (7) Develop a standardized training and education package that includes videos and case studies; that trains harassment advisors on their roles and as instructors for unit leaders, supervisors, and subordinates; and that is ultimately incorporated into current leadership, professional development and basic training courses.

In summary, although the CF has only recently begun its major efforts toward eliminating sexual harassment, it has done so with an effectiveness and wisdom that may have been learned by watching the less successful efforts of others. First and foremost, like New Zealand, CF strives to combat all forms of harassment, of which sexual harassment is

¹⁴³ Ibid p. 20/45.

just one. In doing so, it removes the stigma attached to sexual harassment as a “women’s issue.” Second, it has established a training program that goes beyond the typical training of policies, procedures, and avenues of redress. SHARP uses adult learning theory methods of teaching and strives to change attitudes and behaviors. Third, the CF offers a vision of the future, one of the key components to cultural change.

Additionally, the CF takes advantage of its Advisory Board and measurement tools to improve its programs. Without a watershed event forcing crisis response changes, the CF has developed a thoughtful approach that appears motivated from within. Nevertheless, the CF programs are still relatively new and can likely be strengthened by adopting some of the successful tools of the other TTCP countries. For example, the CF could take measures to improve accountability and use command assessments to improve awareness of commanders.

VI. UNITED KINGDOM (UK) DEFENCE FORCE

A. BACKGROUND.

1. Initial Recognition.

The decision to fully integrate women into the UK Armed Forces in the late 1980s, and early 1990s led to the recognition of sexual harassment as a problem. Previously, women were in separate services, including: Women's Royal Naval Service (WRNS), Women's Royal Army Corps (WRAC), and Women's Royal Air Force.¹⁴⁴

2. Watershed events.

The UK Armed Forces have not had a socially or organizationally traumatic watershed event regarding sexual harassment, such as Tailhook in the U.S. Navy or HMAS SWAN in the Australian Navy. As a result, UK policy on sexual harassment "has been allowed to be conducted as 'part of normal business,' rather than the subject of political and policy action conducted in, and as a response to, intense media and public scrutiny."¹⁴⁵

3. Number and Roles of Women.

The Royal Air Force (RAF) has the largest percentage of women in the UK Armed Forces with 9 percent (5,228 women out of 60,302 members). Of 45,506 personnel in the

¹⁴⁴ Victor Schmit. "Sexual Harassment in the TTCP Militaries--UK Additional Input." Centre for Human Sciences, United Kingdom, May 7, 1997, p. 2.

¹⁴⁵ Ibid.

Royal Navy (RN), 3,220 are women, making up 7 percent of the RN. The Army has the largest number of women in service, but the smallest percentage overall relative to the other services. Approximately 6 percent of Army personnel are women, totaling 6,727 women out of 109, 578 Army members. Each service within the UK Armed Forces is incorporating women in ways that meet their needs and demands. The RN has progressed further than the other services, incorporating women in all branches and specializations with the exception of submarine and diving branches. The RN accepts that its women will be exposed to combat. The Royal Marines (RM), which is a part of the RN, has incorporated women in a fashion more similar to that of the Army. The RM and Army restrict women from combat roles, but allow them to enter positions attached to combat units, recognizing that they are, therefore, likely to be involved in combat. The Royal Air Force has incorporated women into support aircraft and, in relatively small number, into combat aircraft.¹⁴⁶

B. REVIEW OF POLICIES.

The U.K. has established distinct policies for each of the services, all in compliance with the presiding laws of the country. This section lists the applicable references and then provides policy highlights.

1. Legislative References.

- a. Sex Discrimination Act 1975, 1986, Sex Discrimination (Northern Ireland) Order 1976.*

¹⁴⁶ Ibid.

- b. *Equal Pay Act 1970.*
- c. *Employment Protection (Consolidation) Act 1978, Trade Union Reform and Employment Rights Act 1993.*
- d. *Treaty of Rome.*
- e. *EEC Directive on Equal Treatment.*
- f. *Public Order Act 1986 (Amended by Criminal Justice and Public Order Act 1994).*

2. Policy References.

- a. *The Equal Opportunities Directive for the Army (D/CGS/92/10).*
- b. *The Equal Opportunities Directive for the the Royal Air Force (DCI RAF 30).*
- c. *The Equal Opportunities Directive for the Naval Service (RN 127/96).*

3. Policy Highlights.

Several important aspects of the UK Armed Forces Policies are highlighted below.

Among these are: the definitions of sexual harassment, the inclusion of several forms of harassment, the promotion of a “gender/bias free,” as well as a “gender fair,” environment, and the discouragement of stereotyping.

a. *The Definition of Sexual Harassment.*

Each of the services has its own definition of sexual harassment, although all are similar. The Army definition is provided as an example:

There can be no simple definition of sexual harassment, but it may be described broadly as unwelcome conduct of a sexual nature, or other conduct

based on sex affecting the dignity of men or women. Sexual harassment can be persistent unwanted sexual attention which continues after the recipient makes clear that he/she wants it to stop. However, a single incident can also constitute sexual harassment, if sufficiently serious.

Examples of conduct which is clearly unacceptable include:

- Unwelcome sexual attention in the form of unwelcome physical or verbal conduct.

- Subjecting someone to insults or ridicule because of his or her sex.

- Suggestions that sexual favors may further a person's career or that refusal may hinder it.

- Other behaviour of a consistent and offensive nature involving physical conduct such as patting, pinching or brushing against another person's body. In addition, the circulation or display of sexually explicit material may constitute sexual harassment.

- Direct or indirect exposure to language or action of a suggestive or sexual nature.

- The inclusion of stories/jokes and illustrative material in formal presentations or lectures that may cause offence in a mixed audience.

It should be noted that a claim that offence was not intended, is not a defence in a civil claim of sexual harassment.¹⁴⁷

Thus, the definition of sexual harassment includes mild to severe forms of sexual harassment as well as an example of gender harassment.

b. The Inclusion of Other Forms of Harassment.

Military policies prohibit several forms of harassment. Racial harassment is prohibited, as well as "bullying." "Bullying" is defined as: "offensive treatment through vindictive, cruel, malicious or humiliating attempts to undermine an individual or group. .

¹⁴⁷ The Equal Opportunities Directive for the Army (D/CGS/92/10), Appendix 1 to Annex C, p. C1-1.

. . Bullies often abuse their power or position. . . .”¹⁴⁸ This type of harassment is similar to the “abuse of authority” harassment, or “general harassment” that is covered by other TTCP countries.

c. *A “Gender/Bias Free” and “Gender Fair” Environment.*

The UK military policies also include sections that address the issues of equal standards by men and women. “Gender free” is defined as giving no advantage to either men or women based on sex; and, “bias free” is defined as giving no advantage to any person based on sex or race. Also incorporated into the policy is a section discussing a “gender fair” system. The legality of the term “gender fair,” which appears to be a term used by the military to set different criteria for men and women, is called into question in the policy. It states:

“Gender fair” is often used to suggest that there is no direct or indirect discrimination in an activity. Different tests used to predict the same level of physical ability in men and women, for example, might be called “gender fair” rather than gender free. However, use of such tests as selection criteria might create unlawful discrimination in some circumstances and there is no clear guidance as to whether the concept of “gender fair” would be accepted as lawful.

Men and women often approach problems and tasks differently. A gender fair system of assessment and training, it is often argued, makes allowances for, and values, these differences. This argument is often used to suggest segregation in training. It is unlikely to be lawful.¹⁴⁹

¹⁴⁸ Ibid. p. C-4.

¹⁴⁹ Ibid. pp. C-2.

What is left unclear is whether the policy is truly promoting a “gender fair” system or not. It would seem inadvisable to promote an approach that is admittedly unlawful.

C. SEXUAL HARASSMENT TRAINING AND ASSOCIATED PROGRAMS.

1. Training.

Each of the services include in their policy the requirement for sexual harassment training. The Army’s policy states that Commanding Officers are responsible for the education and training of sexual harassment policy and the complaints procedure. The Army policy also emphasizes drawing attention to “the damaging effect of sexual harassment on morale, working practices and efficiency” in unit training, and that policy training is to be included in formal management training.¹⁵⁰

The RAF policy states that “Initial and Command and Staff Training courses are to cover the principles of equality of opportunity, including racial and sexual harassment.” Training is also provided for Equal Opportunities Advisers.¹⁵¹

The RAN policy requires equal opportunity training in basic, continuation, and command and staff training courses. It has a lead school for equal opportunities training and also requires senior officer managers who oversee civilians to attend a special training course called the Ministry of Defence Management Training.¹⁵²

¹⁵⁰ Ibid. p. C1-2.

¹⁵¹ Equal Opportunities Directive for The Royal Air Force, (DCI RAF 30), p. 4.

¹⁵² Equal Opportunities Policy for the Naval Service (127/96), p.10.

D. ASSESSMENT GROUPS.

An Annual Personnel Functional Staff Visit was implemented in January 1997 to measure the commitment of RAF commands toward the Equal Opportunity policy. There do not appear to be assessment groups for the other services.

E. MEASUREMENT INSTRUMENTS.

Formal complaints are recorded and monitored by each of the services. As of May 1997, the U.K. had not conducted a sexual harassment survey.

F. SCOPE OF SEXUAL HARASSMENT.

An assessment of the scope of sexual harassment in the UK Armed Forces is not possible as of May 1997 due to the lack of statistical or subjective data.

In summary, the UK has just begun to develop programs aimed at preventing and eliminating sexual harassment. It has recently initiated policies that address the issue and require training and monitoring.

VII. ANALYSIS AND RECOMMENDATIONS

This chapter pulls together the previous five chapters through an initial review of the common themes which emerged from the TTCP nations. It then presents an overview of the most noteworthy efforts among the nations. Finally, the author offers several recommendations drawn from the study.

A. TTCP COMMON THEMES.

This section examines the similarity in female representation, provides an overview of each country's statistical results, and then addresses some of the insights regarding the countries' policies and programs.

1. Female Representation.

Female representation in the TTCP countries is fairly low, as Table 25 illustrates. The New Zealand Defence Force has comprised the largest proportion of women, at 14 percent; and the United Kingdom has the smallest proportion, at 7 percent. In all of these countries, women have been slowly entering the more non-traditional specialties, both non-combat and combat-related specialties. Studies indicate that women experience higher levels of sexual harassment when they enter non-traditional fields and when they have a small degree of female participation or representation in the field.¹⁵³

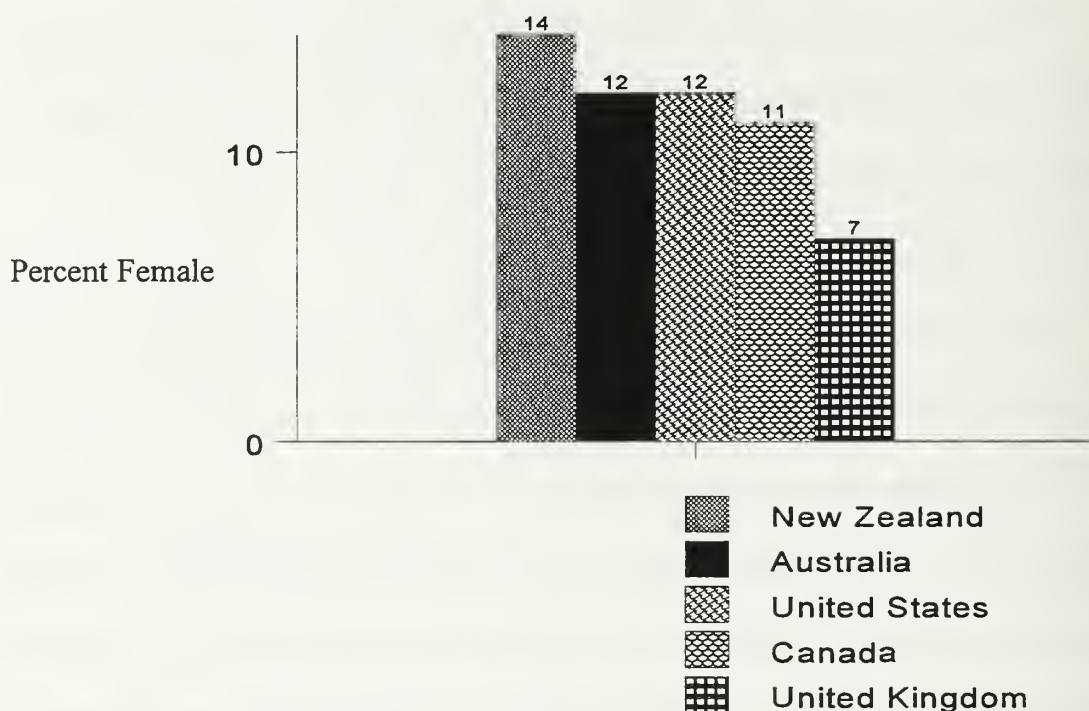
¹⁵³ James Doyle and Michele Paludi, "Sex and Gender The Human Experience."

Dubuque, IA, 1994, p. 169.

Thus, the issue of sexual harassment is destined to become one of greater concern for the military services of the TTCP nations.

TABLE 25

ACTIVE DUTY FEMALE REPRESENTATION (PERCENT) IN THE TTCP MILITARIES



Source: New Zealand data from phone conversation with Clare Bennett at Headquarters New Zealand Defence Force; Australian data from "Social Change and the Australian Defence Force," Oct '93; U.S. data from "Women in Defense - DoD Leading the Way;" Canadian data from "A Synopsis of Female Representation in the Canadian Forces," 1996; United Kingdom data from "Sexual Harassment in the TTCP Militaries-- UK Additional Input," by Victor Schmit, Centre for Human Sciences facsimile report of July 5, 1997.

2. Statistical Summary of Sexual Harassment Levels.

Based on surveys conducted by the TTCP nations, sexual harassment was apparently experienced by a substantial proportion of women--approximately one-third--and by only a small proportion of men. The two countries that have been tracking levels of sexual harassment across the years, the U.S. and Australia, have seen a reduction in the percentage of women respondents who said they experienced sexual harassment.

Sexual harassment statistics from different surveys should not be compared, due to different methodologies, different definitions, and different wording and layout of the questions. The large gap in the percentages of sexual harassment experienced by Navy women cited by the 1995 U.S. DoD Sexual Harassment Survey (77 percent) and the 1995/6 U.S. Navy Equal Opportunity Sexual Harassment (NEOSH) survey (29 percent enlisted, 15 percent officer) illustrate the great variation that can result from these differences. Even though many of the surveys used by TTCP defense forces have been developed using the U.S. DoD Sexual Harassment Survey as a model, close review of the questions and layout highlight numerous distinctions between surveys across, as well as within, nations.

Several important factors must be considered when examining a country's statistics. It is important to note what the statistics reflect, the target population or issue, as well as the year of the survey. Other important factors include: whether the statistics include all services or one particular service; whether the table reflects percentages or actual numbers; and whether the numbers reflect women and men combined, or one gender broken out

separately. Next, it is important to consider whether or not the behavior was limited in any way in the questionnaire. Harassers may have been limited to military personnel only, excluding contractors; and harassment may have been limited to one's time at a base or on a ship, or only during working hours. These limitations reduce the statistical levels by narrowing the number of opportunities for respondents to report sexual harassment they may have experienced. Additionally, if respondents are asked to list behaviors that they have experienced without being made to define the experiences as sexual harassment, the statistical levels are higher. Studies have shown that many personnel experience behaviors, particularly the milder forms, that create a hostile environment; and, although defined by the service as sexual harassment, these behaviors may not be considered as sexual harassment by many personnel.¹⁵⁴ And, finally, there are some cases in which sexual harassment behaviors are mixed with gender harassment behaviors. The author has made every effort to draw distinctions between behaviors in the notes below the tables. A more in-depth discussion of the impact of these differences in methodology may be found in Chapter II, pages 51-56, in which the alternate approaches used in the U.S. DoD Sexual Harassment Study and the NIOSH survey are examined. Thus, Tables 26-33 provide a summary of each country's level of sexual harassment, as defined by that country, for the purpose of general information and comparison.

¹⁵⁴ Marie Thomas "Gender Differences in Conceptualizing Sexual Harassment."

January 1995, NPRDC-TR-95-5.

TABLE 26
UNWANTED SEXUAL ATTENTION FOR U.S. SERVICEMEMBERS,¹
BY GENDER
(1995 DEPARTMENT OF DEFENSE SURVEY)

Behavior ^{2,3}	Percent	
	Men	Women
Any type of Unwanted Sex/Gender Related Experience	38	78
Crude/Offensive Behavior	35	70
Sexual Coercion	4	13
Sexual Assault	2	6
<i>Considered Unwanted Behavior to be Sexual Harassment</i>	9	52

Source: 1995 DoD Sexual Harassment Surveys, Form B as cited in Defense Manpower Data Center Report No. 96-014, December 1996.

Note¹: All U.S. Military Services are reflected in these figures. U.S. Navy personnel percentages vary slightly. Navy women percentages available are: any type--77%; crude--68%; coercion--11%; and assault--6%.

Note²: Behavior experienced during the past year from military persons on or off duty, on or off base and/or civilian employees or contractors. Respondent does not necessarily define initial four behaviors as sexual harassment.

Note³: Multiple responses allowed.

TABLE 27

**SEXUAL HARASSMENT BEHAVIORS EXPERIENCED BY U.S. NAVY WOMEN
DURING THE PAST YEAR, BY OFFICER/ENLISTED STATUS**

(1996 NAVY EQUAL OPPORTUNITY SEXUAL HARASSMENT SURVEY)

Behavior ^{1, 2, 3}	Percent	
	Enlisted	Officer
Sexual teasing, jokes	30	14
Sexual looks, staring	29	12
Sexual whistles, calls	24	9
Deliberate touching	20	5
Pressures for dates	20	5
Letters, phone calls	10	4
Pressure for sexual favors	11	2
Stalking or invasion of residence	5	2
Actual or attempted rape/assault	4	1

Source: "Results of the 1996 Navy Equal Opportunity Sexual Harassment Survey" by Paul Rosenfeld and Amy Culbertson, Navy Personnel Research and Development Center.

Note¹: Data for U.S. Navy women only.

Note²: Behavior experienced only while on duty, or on base or ship and defined by respondent as sexual harassment.

Note³: Multiple responses allowed.

TABLE 28

**SEXUAL HARASSMENT BEHAVIORS EXPERIENCED BY NEW ZEALAND DEFENCE
FORCE¹ MILITARY PERSONNEL DURING THE PAST YEAR, BY SERVICE**
(1994 NEW ZEALAND DEFENCE FORCE HARASSMENT QUESTIONNAIRE)

Behavior ^{3,4}	Actual Number ²			
	Navy	Army	Air	Hdqs
Sexual teasing	14	32	46	1
Sexual material	17	19	44	2
Touching, leaning over etc.	7	13	34	0
Looks, gestures, body language	10	6	27	0
Intimidating sexual talk	7	6	24	0
Sexual whistles, calls, yells	9	6	16	0
Social invitations	5	4	15	0
Letters, phone calls, faxes	5	6	9	0
Sexual favours	2	3	7	0
Assault or rape	1	3	3	0

Source: Report on the Review of Good Working Relationships in the New Zealand Defence Force, April 1995.

Note¹: Cross-service comparisons should be avoided as number of surveyed personnel varied for each.

Note²: Actual numbers were provided. Percentages were not available.

Note³: Behavior experienced during the past year, while performing NZDF duties, or off duty at a camp, base or on board ship. Respondent does not necessarily define these behaviors as sexual harassment.

Note⁴: Multiple responses allowed.

TABLE 29

**SEXUAL HARASSMENT BEHAVIORS EXPERIENCED BY ROYAL NEW
ZEALAND NAVY¹ PERSONNEL DURING THE PAST YEAR, BY GENDER**
(1994 NEW ZEALAND DEFENCE FORCE HARASSMENT QUESTIONNAIRE)

Behavior ^{2,3}	Percent	
	Women	Men
Sexual teasing	31	6
Intimidating sexual talk	19	3
Sexual material	19	10
Looks, gestures, body language	13	6
Touching, leaning over etc.	13	4
Sexual whistles, calls, yells	13	5
Sexual favours	13	0
Social invitations	6	3
Letters, phone calls, faxes	6	3
Assault or rape	0	1
<i>Respondent perceives sexual harassment as a problem in their workplace occasionally.</i>	75	46

Source: Report on the Review of Good Working Relationships in the New Zealand Defence Force, April 1995.

Note¹: Data for Royal New Zealand Navy personnel only.

Note²: Behavior experienced while performing NZDF duties or off duty on board ship, on base, or at a camp, which respondents felt were unwelcome and offensive. Respondent does not necessarily define these behaviors as sexual harassment.

Note³: Multiple responses allowed.

TABLE 30

**GENDER HARASSMENT, OFFENSIVE SEX-RELATED BEHAVIOR AND UNWANTED
SEDUCTIVE BEHAVIOR EXPERIENCED "OFTEN"¹ BY AUSTRALIAN DEFENCE
FORCE PERSONNEL DURING THE PAST YEAR, BY GENDER
(1995 AUSTRALIAN DEFENCE FORCE SEXUAL EXPERIENCES QUESTIONNAIRE)**

Behavior ²	Percent	
	Women	Men
Gender Harassment		
-Offensive sexist remarks	62	7
-Put you down or was condescending because of your sex	59	7
-Treated differently because of your sex	58	7
Offensive Sex-Related Behaviors		
-Repeatedly told sexual stories or offensive jokes	76	60
-Made crude and offensive sexual remarks	50	28
-Made unwelcome attempts to discuss sexual matters	48	23
-Whistled, called, or hooted at you in a sexual way	48	10
-Stared, leered or ogled at you in a way that made you uncomfortable	44	4
-Made offensive remarks about your appearance, body or sexual activities	47	22
-Displayed, used, or distributed sexist or suggestive materials	38	35
-Made gestures or used body language of a sexual nature	38	9
-Exposed themselves physically	12	4
Unwanted Seductive Behavior		
-Made unwanted attempts to establish a romantic sexual relationship despite efforts to discourage it	34	5
-Made unwanted attempts to stroke, fondle, or kiss you	24	5
-Continued to ask you for dates even though said "no"	21	3
-Treated you badly for refusing to have sex	14	3

Source: Data from 1995 Australian Defence Force Sexual Experiences Questionnaire as cited in Kathryn Quinn's Report, "Sexual Harassment in the Australian Defence Force," Australian Army Psychology Corps, 1995.

Note¹: Percentages only include respondents who reported experiencing the behaviors "often." Those who marked "very often," or "sometimes," or "once or twice" are not reflected in these figures--data was not available.

Note³: Behavior experienced during the past year from military personnel on or off duty and/or civilian employees and contractors. Respondents did not necessarily define the behaviors as sexual harassment.

Note²: Multiple responses allowed.

TABLE 31

**SEXUAL HARASSMENT EXPERIENCED BY AUSTRALIAN DEFENSE FORCE
PERSONNEL, BY GENDER AND YEAR (1987 AND 1995)**
(1995 AUSTRALIAN DEFENCE FORCE SEXUAL EXPERIENCES QUESTIONNAIRE)

Behavior ¹	Percent		
	Women 1987	Women 1995	Men 1995
Gender/Hostile Workplace (Category 1)²			
-Occurred in workplace in <i>past</i>	53	57	45
-Occurs in workplace <i>now</i>	40	34	26
-Has been/is now a problem for you	25	25	5
-Is a problem generally	58	65	40
Unwanted Sexual Attention (Category 2)³			
-Happened to you in workplace in <i>past</i>	42	44	8
-Happens to you in workplace <i>now</i>	24	15	5
-Has been/is now a problem for you	28	29	3
-Is a problem generally	53	63	29
Sexual Coercion (Category 3)⁴			
-Happened to you in workplace in <i>past</i>	11	11	2
-Happens to you in workplace <i>now</i>	2	1	0
-Has been/is now a problem for you	9	10	1
-Is a problem generally	29	38	20

Source: Data from 1987 Questionnaire and 1995 Australian Defence Force Sexual Experiences Questionnaire as cited in Kathryn Quinn's Report, "Sexual Harassment in the Australian Defence Force," Australian Army Psychology Corps, 1995.

Note¹: Behavior experienced in the workplace and defined as sexual harassment.

Note²: Category 1 behaviors relate to environment generally; include poster displays depicting women as objects of sexual fantasy, the telling of sexually suggestive jokes and the expression of derogatory comments about your gender; includes leering and wolf whistling; will not necessarily be directed at you personally, but can create a hostile workplace where you feel uncomfortable, embarrassed or intimidated.

Note³: Category 2 behaviors are directed at you personally, include uninvited physical contact such as touching, patting, brushing against you, standing over you or standing too close or cornering you; include sexually suggestive comments about your body, appearance or personal life; includes uninvited requests for sexual contact from co-workers.

Note⁴: Category 3 behaviors include uninvited requests or demands for sexual contact from a superior, especially if you feel that refusal will adversely affect your career, job, or course evaluation.

TABLE 32

**PERCENT OF HARASSMENT INDICATED BY CANADIAN FORCE
PERSONNEL DURING THE PAST YEAR, BY GENDER**
(1992 CANADIAN FORCES PERSONAL HARASSMENT QUESTIONNAIRE)

Harassment ^{1,2}	Percent	
	Women	Men
Sexual Harassment	26	2
Personal Harassment (excluding sexual)	33	19
Abuse of Authority	33	29

Source: Data from "Personal Harassment in the Canadian Forces: 1992 Survey;" Working Paper 93-1.

Note¹: Harassment of any form experienced by military personnel from other servicemembers while performing duties during the past year. Location is not specified. The behavior experienced is defined by respondent to be sexual harassment, personal harassment, or abuse of authority.

Note²: Multiple responses allowed.

TABLE 33

**SPECIFIC BEHAVIORS INDICATED BY THE 26 PERCENT OF CANADIAN FORCE
WOMEN AND 2 PERCENT OF CANADIAN FORCE MEN WHO REPORTED
EXPERIENCING SEXUAL HARASSMENT DURING THE PAST YEAR**
(1992 CANADIAN FORCES PERSONAL HARASSMENT QUESTIONNAIRE)

Harassment ^{2,3}	Percent ¹	
	Women	Men
Unsolicited and offensive sexual teasing, jokes, remarks or questions	85	66
Sexual talk or behavior that created an offensive, hostile or intimidating environment	64	46
Unsolicited and offensive sexually suggestive looks, gestures or body language	59	40
Unsolicited and offensive touching, leaning over, pinching or brushing against you, of a deliberately sexual nature	54	52
Unsolicited and offensive pressure for sexual favors	24	8
Unsolicited and offensive attempts to get your participation in any other kind of sexually-oriented activities	11	20
Actual or attempted rape, or sexual assault	3	0

Source: Data from "Personal Harassment in the Canadian Forces: 1992 Survey;" Working Paper 93-1.

Note¹ : Percentages are based on the 390 (26 percent) of women and 50 (2 percent) of men who believed they were subjected to sexual harassment. They are not based on the Canadian Force survey population.

Note²: Sexual harassment experienced by servicemembers from other servicemembers while performing duties during the past year. Location is not specified. The behavior experienced is not necessarily defined by respondent to be sexual harassment.

Note³ : Multiple responses allowed.

a. *Types of Sexual Harassment.*

Throughout the TTCP countries, the milder forms of sexual harassment, such as sexual teasing, sexual looks, and sexual material, are reported as being experienced most frequently; and the most severe forms of sexual harassment, such as sexual coercion and sexual assault, are reported less frequently, as one would hope. Sexual teasing, jokes, and remarks are experienced by the largest percentage of women from all countries. Sexual talk or behavior that creates an offensive environment, whistles, offensive looks and gestures, touching, leaning over, pinching, and sexual material are the behaviors that are experienced to the next highest degree.

b. *Actions in Response to Sexual Harassment.*

When sexually harassed, recipients respond most commonly by either ignoring the behavior, avoiding the person, or asking the person to stop. These responses were the top three approaches mentioned in surveys by the TTCP countries. Use of the chain of command to resolve the problems was minimal. Canadian military women were the most likely to speak to their supervisor among women from the TTCP countries, as this was their fourth most common response. The Canadian and Australian survey reports provide data on the effectiveness of the recommended course of action--that is, asking the person to stop. The findings suggest that this approach is usually one of the most effective choices, but it is still only successful approximately half of the time. Furthermore, telling a supervisor,

another highly-recommended course of action, improves the situation in less than half the cases.

c. Informal Complaints Vs. Formal Complaints.

The surveys indicate that formal complaints are rare. This is not surprising, since all the services promote the use of informal methods as their principal avenue of resolution. The fear of redress or inaction is common throughout. One of the most commonly cited answers given for not filing a complaint (for the U.S., Canada, and Australia) was "I thought it would make my workplace unpleasant." Other frequent responses included "I took care of it myself" and "I did not think anything would be done."

3. Programs and Policies.

All of the TTCP countries have policy statements that prohibit sexual harassment. However, countries that experienced a watershed event, specifically the U.S. and Australia, began developing their programs earlier, began tracking their levels of harassment earlier, and strengthened their policies and definitions earlier. In fact, it seems typical for countries to require some type of stimulus to create a programmatic response and large-scale effort to resolve the sexual harassment issue.

Furthermore, assessment groups and women's studies are extremely influential in recommending courses of action and in framing the approaches taken by the countries. The most influential assessment groups have been appointed by the highest levels of the government and have been comprised of senior personnel.

B. INTERNATIONAL HIGHLIGHTS.

One of the primary reasons for conducting this study was to search for the most effective approaches to combating sexual harassment and to select efforts that stand out among the TTCP countries as examples that can be shared internationally. As a result, there are numerous initiatives that not only deserve recognition, but deserve consideration from each country as a potential tool. It would be easy to cite cultural differences as a reason why one country's approach might not work in another country's military. Nonetheless, the author does not believe that any of the initiatives can be dismissed so easily. The problems of sexual harassment are fundamentally the same across international lines. It would not be surprising, then, that many of the following approaches to reducing sexual harassment would be of benefit to other countries. Clearly, the initiatives can be tailored to fit the culture of any implementing country. Areas of consideration include: overall approach, training program, efforts to change the culture, a prevention and command assessment program, questionnaire, investigation, accountability tools, mentoring and support groups, and informal complaint tracking.

1. Overall Approach.

The New Zealand and Canadian Defence Forces have used an "umbrella approach" to combat harassment of all types. These countries include sexual harassment as one of many forms of harassment that are addressed. Since sexual harassment is often viewed as

a subset of the larger issue of gender harassment, it is critical that the issue of gender harassment be addressed in policies, programs, and training. As Bryson points out:

This inclusion of a broad definition of gender harassment is vital because while there is a devaluing, or denigration of women in any work environment, gender discrimination cannot be eliminated. . . . Thus, harassment which targets women, because they are women is of key concern.¹⁵⁵

Evidence in all of the services of the TTCP countries suggest that women face an undercurrent of hostility from men who do not want them in their service, or who have been raised to believe that they are not their equal. For example, 43 percent of women in the U.S. Navy reported experiencing negative comments that they considered gender discrimination behavior in the 1996 U.S. NEOSH Survey. These comments would be considered gender harassment by New Zealand, Canada, and Australia; but, unlike these countries, the U.S. Navy does not state that gender harassment is prohibited. Although this type of behavior most likely falls under the larger category of equal opportunity, the U.S. Navy appears to have very little understanding of the concept of "gender harassment."¹⁵⁶ Furthermore, "discrimination" and "harassment" are generally interpreted as very different actions.

¹⁵⁵ Lois Bryson. "Dealing with a Changing Work Environment: The Issue of Sexual Harassment in the ADF." November 1993.

¹⁵⁶ Conversation with Pat Thomas, Bureau of Naval Personnel, March 1997.

Although Australia, New Zealand, and Canada include gender harassment in their respective programs, New Zealand and Canada go one step farther. The New Zealand Defence Forces address "General Harassment" and the Canadian Defence Forces address "Personal Harassment." In fact, surveys from both nations have indicated that there are higher levels of this type of harassment than of any other type. This approach is preferable in that it removes the stigma that is often associated with sexual harassment programs. The Personnel Policy Review, conducted by the Canadian Forces in 1993, advocated the larger "umbrella approach" to prevent sexual harassment from being perceived as "just another women's problem."¹⁵⁷ Many U.S. military women have experienced hostility from their male counterparts as entire commands were forced to hold sexual harassment standdowns that resulted in the cessation of all normal operations, or attend special training sessions after Tailhook '91. Many U.S. Navy servicemen believed that women were at fault for these additional requirements. For, if women were not in the military to begin with, it was reasoned, these added burdens would not exist. As the Canadian Personnel Policy Review noted:

Sexual harassment is a people (and social) problem that affects everyone. To separate this issue in terms of policy may inappropriately focus program efforts to prevent it onto women, rather than onto all members and the organization. This may cause misunderstanding and adverse reactions. . . .¹⁵⁸

¹⁵⁷ Personnel Policy Review: Canadian Forces Approach to Harassment in the Workplace, p. 1/45.

¹⁵⁸ Ibid.

The Review also pointed out that a separate sexual harassment policy could contribute to under-reporting of the issue, since additional unwanted attention could further segregate women from the group. They cite this type of segregation as one of the reasons that women do not report sexual harassment in the first place.

Additionally, the Review recommended the “umbrella approach” to prevent the dismissal or diminishing of “the seriousness, unacceptableness and visibility of other forms of harassment.” This approach, therefore, holds greater relevance to all Service members and underscores a support for diversity. Militaries are increasingly operating in a multinational and multicultural environment. Additionally, predictions are that, by the year 2000, 85 percent of the American workforce, and an ever-increasing percent of the international workforce, will be composed of women, minority groups, and immigrants. In response, military organizations must begin to consider ways to reduce the rising cost of diversity-related conflicts to improve their efficiency and military readiness.

The 1996 U.S. NEOSH Survey found that, of the enlisted respondents, 39 percent of blacks and 37 percent of Hispanic-Americans had experienced racial or ethnic discrimination in the form of negative comments. This marked an increase from the previous NEOSH survey conducted in 1993. Blacks and Hispanics reported commonly experiencing offensive jokes (34 percent and 35 percent, respectively), being ignored by others (24 percent, 22 percent respectively), given menial jobs (25 percent and 19 percent, respectively), denied rewards or benefits (14 percent and 12 percent, respectively), and being

physically threatened (14 percent and 12 percent, respectively). These percentages are as high as those for sexual harassment. Yet, they are not defined as harassment and are not given nearly the recognition or regard. Since U.S. Navy policy does not specifically prohibit racial harassment, these issues also fall under the term “discrimination.” Yet, often they do not meet the legal requirement for a formal discrimination complaint; and, therefore, typically, no action is taken.

Another advantage to approaching harassment in its broadest form is the additional “buy in” that one gets from all of the others now included in the program. The majority white man in the U.S. military finds that he, too, can be protected through a program that prohibits “abuse of authority” harassment. As Harvard Business School Professor Gentile writes:

We make it possible for all managers and employees to perceive the firm’s diversity initiative as having “something in it for them,” and we avoid the resentment and backlash that can be triggered by efforts that appear to serve only certain groups.¹⁵⁹

She goes on to say that

Although the word “diversity” tends to jog memories of interactions across race or gender, we would do well to broaden our set of illustrations to include functional differences, differences of educational background and learning styles, of communication styles or senses of humor, and so forth. By broadening our definition in this way, we begin to recognize the array of skills and techniques we already possess for responding to difference, a

¹⁵⁹ Mary Gentile, “Managerial Effectiveness and Diversity: Organizational Choices.” Harvard Business School, June 1, 1995, p.1.

repertoire of abilities that we seem to forget or deny when we find ourselves interacting across the more politicized of our differences.¹⁶⁰

Thus, it appears that the New Zealand and Canadian Defence Forces have formulated the most appropriate overall approach to reducing sexual harassment. Perhaps, not experiencing the tailspin and crisis response of a watershed event has helped these two countries move more slowly and more methodically in their approach.

2. Training Program.

The Canadian Defence Force has set a new standard with their recently introduced Support Harassment and Racism Prevention (SHARP) program. It is an effort to combat all types of harassment, but it stands out for its unique mission, approach, and implementation.

As the MND Advisory Board on Gender Integration in the Canadian Forces aptly noted in 1993:

Discrimination is a deeply rooted, self-reinforcing problem which cannot be solved by one shot education or indoctrination programmes. The attitudes underlying gender harassment are grounded in obvious gender differences and lifelong socialization. They form a part of the latent stereotypes shared by both men and women in society. Basic training instructors have noted that many male recruits enter the Forces with these attitudes fully formed and that vigilance is required to prevent peer harassment from occurring within mixed gender training platoons. They can suppress the behaviour of these individuals, but the basic prejudice remains. It takes very little to reinforce such stereotypes and continuous control of discriminatory behaviour is necessary. At some point, however, attitudes must conform with the behaviour elicited by enforced compliance if an individual is to remain within the system. . . . A second group of individuals poses a more difficult problem.

¹⁶⁰ Mary Gentile, "Managerial Effectiveness and Diversity: Individual Choices."

Harvard Business School, July 5, 1995, p.1.

These are experienced people who cannot or will not accept the fact that women are an integral part of the CF. Many are still employed in single gender locations and their stereotypes are reinforced every day. The problems arise when women are posted to their unit or when they are posted to mixed gender units. These individuals should be properly prepared for the change through education and a clear statement of their liability if they discriminate. Behavioural norms that clearly contribute to a poisoned atmosphere within a unit can easily develop if prejudiced individuals are left on their own to mixed gender service. The fact that many individuals still speak out publicly against women in the CF and get away with it is a clear indication that current methods of reaching these individuals are not effective.¹⁶¹

The Canadian Forces recognized that older methods were not effective, and they developed a comprehensive program to address the weakness. Research indicates that most organizations, although they may be quite capable in the realm of problem-solving, are most inadequate when it comes to *really learning*. As stated in the Harvard Business Review:

Most people don't know how to learn. What's more, those members of the organization that many assume to be the best at learning are, in fact, not very good at it. I am talking about well-educated, high-powered, high commitment professionals who occupy key leadership positions . . . most people define learning too narrowly as mere "problem solving," . . . if learning is to persist, managers and employees must also look inward. They need to reflect critically on their own behavior, identify the ways they often inadvertently contribute to the organization's problems, and then change how they act.¹⁶²

As noted by the sociologist-consultant for the Australian Defence Force, eliminating

¹⁶¹ "The MND Advisory Board on Gender Integration in the Canadian Forces,"

Annual Report 1992-1993, p.31.

¹⁶²Chris Argyris. "Teaching Smart People How to Learn," Harvard Business Review, May-June, pp. 99-109.

sexual harassment requires more than manuals, policies, complaint procedures, and lecture-style training. The report, entitled "Dealing with a Changing Work Environment: The Issue of Sexual Harassment in the ADF," states:

Considerable focus has been on training, but often this is done in didactic manner, which is not likely to be the most efficacious approach to bringing about wider change. In most work places the exercise is essentially aimed at training how to deal with incidents of sexual harassment when they arise. This is a very necessary task, but what is also required is a strategy of organizational change which aims to change the culture so that sexual harassment and other discriminatory practices cease to flourish.¹⁶³

The Canadian Defence Force's program is one of the few attempts to change military culture through its establishment of a training and education program that affects attitudes as well as behaviors. SHARP's stated mission is "to act as a catalyst to begin behavioural and attitudinal changes. . . ."¹⁶⁴ Most military programs aim only to provide members with an understanding of the policy and avenues of complaint, and most are taught in a pedantic and didactic manner, with little student involvement. This effort may be a good starting point to promote policy awareness, but it does not go far enough in reducing levels of harassment.

People resist change for a number of reasons. One of the leading reasons is the loss of control they feel when people are required to change by external forces. "Change is

¹⁶³ Lois Bryson. "Dealing with a Changing Work Environment: The Issue of Sexual Harassment in the ADF." November 1993

¹⁶⁴ Departmental Authority (DA) Implementation Directive For the Standards for Harassment and Racism Prevention (SHARP) Programme, Sep 1996, p. 1/3.

exciting when it is done *by us*, threatening when it is done *to us*,” notes Kanter, an expert on managing change.¹⁶⁵ “Ownership counts in getting commitment to actions,” she continues. Clearly, cultural changes of this type are perhaps the most threatening kind. There is a personal awareness that requires people to become introspective and challenge their entire system of beliefs.

A study of leading-edge companies finds that participative exercises and class discussion that are directed by a well-trained facilitator are most effective when trying to influence attitudes and behaviors. A research report on diversity training states:

We’ve found that best single method is some type of experiential exercise or simulation. The opportunity to interact with the facilitator and other group members, whether as a whole or in small groups facilitates the sessions. Class discussion is one of the most effective methods--the participants hear other people discuss personal experiences and feelings.¹⁶⁶

The Adult Learning Theory suggests that adults learn more deeply and can develop new attitudes and habits of mind through interactive techniques that require students to take initiative, communicate past experiences, and think independently.¹⁶⁷ Participative exercises,

¹⁶⁵ Rosabeth Moss Kanter. “Managing the Human Side of Change.”

Goodmeasure Inc., 1984. p. 675.

¹⁶⁶ Diversity Training: A Research Report. The Conference Board, Inc. 1994
Report Number 1083-94-RR. p. 25.

¹⁶⁷ Alice Crawford and Jim Suchan, “Media Selection in Graduate Education for Navy Medical Officers,” Naval Postgraduate School, Monterey, CA, December 1996.

personal testimony, and stories can create ownership by the student, offering an opportunity to actively think about their own system of beliefs, instead of automatically defending them in silence during a pedantic lecture.

In fact, one of the reasons why sexual harassment is so difficult to eliminate is that persons who perpetuate the problem are completely unaware that their traditional, customary beliefs and behavior are problematic. The issue of sexual harassment is a uniquely challenging issue for even the most dedicated. The MND Advisory Board on Gender Integration in the Canadian Forces stated:

There are still many leaders . . . who, through lack of knowledge or experience in working in a mixed gender environment, are ill equipped to handle sexual harassment complaints by their members. The problem is one of insufficient education, old attitudes, and a failure to grasp the reality that many of the old systems and methods of solving problems do not always work when dealing with the interpersonal complexities presented by sexual harassment cases. Cases are on record where well meaning attempts by leaders to resolve such problems to the satisfaction of all parties have backfired and the problem has escalated beyond their control.¹⁶⁸

SHARP is a step in the right direction, because it limits classroom size to 15 members, places great emphasis on active student participation, uses facilitators to lead the discussions, and incorporates videos to incite emotion and self-inspection. This special emphasis of the approach by facilitators is highlighted in the directive:

The importance of the guided discussion instructional strategy must be emphasized to instructors. Guided discussion is required if maximum

¹⁶⁸ "The MND Advisory Board on Gender Integration in the Canadian Forces,"

Annual Report 1992-1993, p.26.

effectiveness of the training is to be achieved. A reversion to lecture or briefing style presentation, or a desultory lip service approach will do more harm than good and will not further the Departmental and CF goals. It will only serve to reinforce existing attitudes.¹⁶⁹

Additionally, the motivation behind the program can have a significant impact on the response of an organization. Few military training programs address important issues regarding the reason for the training, the benefits of the training, or the costs of sexual harassment to military readiness. SHARP's implementation directive highlights the program's potential return on investment, answers the question, "What will the SHARP programme do for you," and discusses how the program will increase productivity and improve morale.¹⁷⁰ Programs that respond to a watershed event often have more difficulty establishing legitimacy within the organization as an effort that is promoted with sincere intent and commitment. A Harvard Business School paper states:

Legal and regulatory pressures can trigger a reluctant compliance or an adversarial mindset in organizations, resulting in game-playing and a focus on the 'letter of the law' only.¹⁷¹

¹⁶⁹ Departmental Authority (DA) Implementation Directive For the Standards for Harassment and Racism Prevention (SHARP) Programme, Sep 1996, p. 1/3.

¹⁷⁰ Ibid.

¹⁷¹ Mary Gentile, "Managerial Effectiveness and Diversity: Organizational Choices." Harvard Business School, June 1, 1995, p.6.

Furthermore, few training programs seek to continuously improve. Yet, SHARP's implementation directive asks managing authorities to keep an accurate log of "lessons learned."

And, finally, few training programs address the very critical processes of investigation and mediation. SHARP provides this specialized information to selected individuals who have already received the initial Sensitization and Leadership courses.

Clearly, SHARP utilizes the best approach to sexual harassment. Additional details on the SHARP program are included in Chapter V, pages 140-143.

3. Efforts to Change the Culture.

Most would agree that it is the military culture, even the societal culture, which is at the root of the sexual harassment problem. The Canadian Defence Force has taken many of the necessary steps, as cited by change experts, to evoke cultural change. For example, Beckhard and Harris state that the first step in the change process in a large complex system is to set goals and define the *future state*, or organizational conditions desired after the change.¹⁷² Additionally, Thomas lists the first three guidelines for managing diversity as: clarify your motivation; clarify your vision; and expand your focus.¹⁷³ The Canadian

¹⁷² Richard Beckhard and Reuben Harris. "Organizational Transitions: Managing Complex Change." Addison-Wesley Publishing Company, 1987. P.31.

¹⁷³ R. Roosevelt Thomas, Jr. "From Affirmative Action to Affirming Diversity." Harvard Business Review, March-April 1990, No. 2, pp. 112-114.

Defence Force not only clarifies motivation to change in its training program, SHARP, but also creates the ever-important vision of the future state in its “Defence 2000: A Vision for Management through Innovation.” In this management philosophy and strategy, the goal of creating a harassment-free environment is clearly stated:

Create an environment where all personnel feel empowered and committed to giving their best in improving our defence capability, managing costs, and making their organization a better place to work. . . . Defence 2000 principles are service, innovation, people, and accountability. People are recognized as a key asset, and as such Defence 2000 promotes:

- Respect of each person and encouragement of individual growth.
- Equity in employment and recognition of diversity.
- An approach stressing communication, teamwork and participation in decision making.¹⁷⁴

The CF vision, policy, and training program do not target women or minorities; rather, they expand the focus to all personnel. As Thomas states, “the objective is not to assimilate minorities and women into a dominant white male culture but to create a dominant heterogeneous culture.”¹⁷⁵

4. Prevention and Command Assessment Program.

The U.S. Navy’s Command Managed Equal Opportunity Program (CMEOP) must be recognized for its unique preemptive approach to managing sexual harassment and other

¹⁷⁴ C. Hamel. “Canadian Forces Harassment Report,” 6 Feb 95, p. A-11/25.

¹⁷⁵ R. Roosevelt Thomas, Jr. “From Affirmative Action to Affirming Diversity.”

Harvard Business Review, March-April 1990, No. 2, p. 114.

equal opportunity issues.¹⁷⁶ This program, unlike any other, provides commanders with a tool to thoroughly evaluate and assess their command climate through surveys and interviews. Since, “forewarned is forearmed,” commanders potentially have the advantage of early response to indications of harassment or discrimination.

The senior officer or senior enlisted person designated as the CMEO Officer assumes responsibility for the program, oversees the Command Training Team (CTT) and the Command Assessment Team (CAT), has direct access to the Commanding Officer, and acts as a singular point of contact outside the chain of command for support or guidance.

But, it is the CAT that makes this program so valuable and so unique. The CAT’s in-depth review of a command’s climate provides members who are experiencing problems of any type with a rare opportunity to voice their concerns anonymously, in private and confidential interviews, as well as through the standardized questionnaire. Moreover, trained CAT members review command records, including evaluations and awards, to ensure equity and fairness. With a command assessment required six months following a change of command, and a minimum of one annually thereafter, new commanders are able to obtain valuable feedback and information on problem areas that need to be addressed quickly enough for commanders to intervene and make a difference.

The standardized Command Assessment Team Survey System (CATSYS) enables commanders to not only assess their environment, but to compare it statistically to the Navy

¹⁷⁶ OPNAVINST5354.1C enclosure (1) and NAVEDTRA 7523D.

averages found in the NIOSH survey. Particularly noteworthy is the flexibility of the survey, which allows commanders to add any specific questions they may have to the very end of the questionnaire to address special interest items that may be relevant only to that command, or to probe more deeply into historically problematic issues. Furthermore, the survey responses are tabulated at the command by CAT members through a specially-designed software, allowing almost immediate access to results.

Additionally, the fact that the findings and recommendations of the assessment are reported only to the Commanding Officer, and no higher, protects the sanctity of the program as a tool for the commander, and not a hammer for the commander's superiors. CAT members develop a plan of action and milestones for the commander that is included in the report of findings and recommendations. Accountability is fostered through the requirement of Immediate Seniors in the Chain of Command (ISICs) to inspect the CMEOP program as a special interest item. ISICs only assess that the program requirements are being met, not the specific results or actions that follow.

The CMEOP program is an exceptional prevention and assessment program. The details of the CMEOP program are discussed in Chapter II, pages 25-27.

5. Questionnaire.

There is no single questionnaire that stands out as the best among the TTCP countries, but many of the questionnaires have strengths that may be highlighted. For example, most of the questionnaires, with the exception of the U.S. NIOSH Survey, allow

respondents to cite incidents that occurred in the full range of areas covered by the sexual harassment policies, including incidents that occurred on or off base, by civilian employees and contractors, or during military social occasions.

As discussed previously, a questionnaire that asks whether or not an individual has experienced specific sexual harassment behaviors results in a higher percentage of respondents stating that they have experienced sexual harassment than when the questionnaire opens by asking if an individual has experienced sexual harassment. Additionally, the Australian Defence Force and U.S. DoD Surveys apparently capture unwanted sexual or gender-related incidents that a member experiences, but which they may not define as sexual harassment. There is an advantage to this approach in that it does not rely on an individual's definition of "sexual harassment." Studies indicate that, despite statements to the contrary, many military members do not know the full definition of sexual harassment, particularly as it pertains to milder incidents, incidents that occur outside of the work center, or those that create a hostile environment. As Thomas concludes in her study of the U.S. Navy, "Gender Differences in Conceptualizing Sexual Harassment":

Many Navy personnel do not consider mild forms of sexually-inappropriate behavior to be sexual harassment. Many do not know that the Navy's definition of sexual harassment also includes these behaviors. . . . Enlisted personnel often do not label as "sexual harassment" behavior that they believe interferes with work performance or creates a hostile environment. . . . Sexual harassment of Navy personnel occurs not only within the work center but also on-base settings outside of work.¹⁷⁷

¹⁷⁷ Marie Thomas. "Gender Differences in Conceptualizing Sexual Harassment,"

Thus, other surveys may be missing valuable information on behavior that is having a negative effect in the work environment. If the point of gathering the data is to ultimately improve the environment, than it may be irrelevant whether or not an individual defines the behavior as sexual harassment, particularly since such a small percentage of the recipients of such behavior ever do anything about it. Furthermore, both the Australian Defence and U.S. DoD Surveys follow up with a question that asks whether or not the recipient defined the experienced behavior as sexual harassment. Thus, no information is lost in this approach, and more information is gained.

The Australian, Canadian, and New Zealand defense forces measure the level of general harassment. Gender harassment can often fall in the category of general harassment or personal harassment, and may, in fact, be an equally large impediment to women in the military. Although the 1995 U.S. DoD Survey does not incorporate all types of harassment, it does include a section that assesses various types of discrimination, including gender discrimination. However, as previously noted, discrimination and harassment are often perceived as entirely different behaviors.

6. Investigation.

The Australian, Canadian, and New Zealand defense forces underscore the importance of a well-conducted investigation and provide their personnel with tools to assist

them in conducting one. Clearly, the investigation process is a critical element of any harassment prevention and resolution program.

The Australian Defence Force utilizes a video and handbook entitled, "Guide to Conducting Harassment Investigations." This package provides information on the importance of a well-conducted investigation, the legal obligations and implications, a step-by-step guide on how to conduct an investigation, the format and content of a report, and related legislation and Defence policy.

The New Zealand Defence Force utilizes a training module entitled, "Investigating Sexual Harassment." It provides important guidelines to consider when investigating, including: the sexual harassment definition; reasons to behave professionally; the methods, advantages, and disadvantages of informal and formal avenues; the rights of the harassee and harasser; the role of the Anti-Harassment Adviser; a list of "do's and do not's" when dealing with complaints; behavioral factors to consider regarding the complainant; methods for dealing with and common reactions of the accused; and possible outcomes for the individual and the group.

The Canadian Support Harassment and Racism Prevention (SHARP) training program includes an entire course called Investigation and Mediation designed to offer the advisor, investigator, and mediator who have completed the Sensitization and Leadership courses with specific information on the processes of investigation and mediation as related to harassment and racism.

7. Accountability Tools.

Accountability is very difficult to measure. For, even when there are tools in place that are supposed to ensure accountability, personnel may find ways to evade them. Furthermore, the author found little data on any accountability tools from countries other than the U.S. Nevertheless, without testimony to their effectiveness, some accountability tools are highlighted merely because they are such a critical component to every program.

Most of the countries declare a “zero tolerance” policy of sexual harassment. Yet, clearly, the statistical survey results indicate that sexual harassment does occur, and with a good deal of frequency. Accountability and leadership are needed at every level of the chain of command to reduce levels of sexual harassment. The U.S. Navy, among others, has taken several steps in the right direction.

First, sexual harassment is punishable in the U.S. Navy as a violation of the Uniform Code of Military Justice, including mandatory separation for certain categories of offenses. This factor is critical if a message of “zero tolerance” is to be properly communicated.

The U.S. Navy’s Equal Opportunity Manual provides strict guidelines for the complaint process. A command has three days from initial notification to initiate an investigation, and it must complete the investigation within 14 days of initiation. If not, explanations must be continuously provided up the chain of command every 14 days until the complaint is resolved. These deadlines are important in ensuring fairness for both the

complainant and the accused, and the reporting requirements hold commands accountable to take appropriate action.

To achieve commitment to any program or change, expected behavior must be linked to rewards or punishments. Since a service member's evaluation is the most influential record for promotion or advancement, it is important that the evaluation incorporate a special section that specifically addresses equal opportunity. For example, the U.S. Navy officers' fitness report, which is based on a scale of "1.0" to "5.0," with the "5.0" rating the highest possible and the "1.0" the lowest possible, expects the following behavior from the top "5.0" performer:

admired for fairness and human respect; ensures a climate of fairness and respect for human worth; pro-active EO leader, achieves concrete EO objectives; leader and model contributor to unit cohesiveness and morale.¹⁷⁸

On the opposite end, the officer who is below standards, say "1.0," meets the following criteria:

displays personal bias or engages in harassment; tolerates bias, unfairness or harassment in subordinates; lacks respect for EO objectives; interferes with order and discipline by disregarding rights of others.¹⁷⁹

Since there are only seven performance traits that are evaluated, and Equal Opportunity is the second one, it receives considerable weight in the evaluation process.

¹⁷⁸ U. S. Navy Officer Fitness Report.

¹⁷⁹ Ibid.

Commanding Officers are inspected on a regular basis on a large number of important items. Typically, most will spend the greatest amount of time and effort preparing and refining programs that are inspected. Thus, although many commanders believe that their Equal Opportunity program is important, they may not spend the appropriate amount of time or effort on the program unless it is an inspection item. There are too many other operational and mission-related requirements that will take priority in demanding the commander's time and attention. Thus, it is important that the Equal Opportunity Program receive the priority attention necessary by including it as an inspection item. The U.S. Navy's Command Managed Equal Opportunity Program (CMEO) is inspected by the Immediate Seniors in the Chain of Command (ISICs) as a special interest item at an interval not to exceed thirty-six months. These efforts are a good start.

8. Mentoring and Support Groups.

Mentoring and other support groups can be beneficial to women or men who are experiencing sexual harassment. These groups can provide a number of functions, from a social network, to an educational and self-development network, to an advisory and advocacy group.¹⁸⁰ All in all, they allow people to come together, talk about their situation in a non-threatening environment, learn from the wisdom and experiences of others like them, and move forward. The U.S. Navy has mentoring as well as minority support groups.

¹⁸⁰ Mary Gentile. "Managerial Effectiveness and Diversity: Organizational Choices. Harvard Business School, 9-395-020, June 1, 1995, p. 31.

9. Informal Complaint Tracking.

Despite the fact that all the TTCP countries recommend using the informal complaint process as a primary means of resolving complaints, and that very few recipients of sexual harassment use the formal system, only the Canadian Defence Force tracks informal complaints. The CF also tracks the resolution method and reviews the number of complaints in which informal resolution was attempted and succeeded. Only by examining the informal complaint process, including the success and failure of that process, does an organization really know how it is doing on the sexual harassment front.

C. RECOMMENDATIONS.

This study reveals that areas of improvement are possible in each of the TTCP countries. The following recommendations should prove beneficial to all of the TTCP countries by highlighting areas that are critical in eliminating sexual harassment. Specific efforts addressed in these recommendations include: 1) Evoke cultural change; 2) Expand the focus to include all personnel and all types of harassment; 3) Improve training; 4) Use prevention measures and assess command climate; 5) Ensure accountability; 6) Improve questionnaires; 7) Centralize data collection and track informal and formal complaints; and 8) Utilize top-level study groups.

1. Evoke Cultural Change.

Managing cultural change is one of the most difficult types of change processes. Only by taking the steps involved in cultural change will military organizations begin to

make a real difference in reducing levels of sexual harassment, particularly the more frequent and subtle types. Thus, efforts are needed that clarify the motivation and vision and set specific, rather than vague, goals. These should be challenging goals as well. Military organizations would benefit from utilizing symbolism, myths and stories, and rituals to reflect the desired vision, instead of perpetuating the traditional one that is currently preventing progress. A concerted effort to evoke organizational change, using the guidance of experts in the field of change, culture, and diversity management can only be facilitated by top management. Senior leadership must show visible support of the program and act accordingly for a program to succeed. The effort needs an unswerving champion.

2. Expand the Focus to Include All Personnel and All Types of Harassment.

Military organizations need to remove the stigma associated with equal opportunity programs that label them as a “minority problem,” and address the issue through policy, training, and leadership initiatives as an organizational problem that affects military readiness and has relevance to all members. All types of harassment, including gender, race, authority, and sexual harassment, must be incorporated into the effort to obtain “buy in,” commitment, and a real understanding of the effects of being different, from all members of the organization.

3. Improve Training.

As one of the most critical components in the effort against sexual harassment, training must be improved. Organizations need to adopt an approach to training that utilizes

Adult Learning Theory methods and that aims toward becoming an ever-important catalyst for change. After ensuring members have an understanding of the policies, resolution methods, mediation, investigation, and communication skills, organizations can then go to the next step and begin participative exercises, facilitated class discussion, personal testimony, stories, and experiential learning facilitated by a well-trained and credible instructor to try to affect belief structures. Exercises that let students experience what it feels like to be “different” have proven to be most effective. It is also important to ensure that class size is small and the environment is safe enough for students to begin self-exploration and “real” learning.

Training exercises should use military-related examples that reach all members, including the majority white man, by examining differences in age, background, education, function, and personality--not just gender, race, or ethnicity. Since all organizations are advising members to inform the harasser of their discomfort, organizations should be responsibly training members on how to do this effectively. Thus, during training, individuals should be taught and should practice specific communication skills with which they can be comfortable and that they will use with members who they feel are acting in a harassing manner.

Eventually, organizations would benefit from incorporating these training modules into all leadership training. Leading diversity consultation businesses offer excellent material and approaches, and the Canadian Defence Forces Support Harassment and Racism

Prevention (SHARP) program is an excellent model on which to build.

Students should be provided answers to questions of why they are there, why they should change, the costs surrounding the status-quo harassment levels, and the personal and organizational benefits that can result from their changing. Of course, it is critical to establish legitimacy by providing continuously visible measures of leadership's sincere intent and commitment to the effort. Training should be evaluated for effectiveness and transfer validity as well, and should incorporate feedback with regular reassessments of the program to continuously improve the training.

4. Use Prevention Measures and Assess Command Climate.

Commanders at all levels need prevention methods to help them to avoid potential problems. Commands need a trained and educated point of contact outside the chain of command who is capable of listening and providing empathy, in addition to advice and assistance. Regular assessments of the command climate through surveys and confidential interviews are essential to providing commanders with the appropriate level of awareness. The U.S. Navy's Command Managed Equal Opportunity (CMEO) program is a good model for this approach.

5. Ensure Accountability.

As long as there is no accountability for program adherence, there will be little advancement in efforts to reduce harassment levels. Strict guidelines for following program requirements, complaint procedures, and appropriate disciplinary action not only need to be

provided, but they need to be inspected. The granting of rewards such as promotion, advancement, or awards needs to be influenced by a member's attitudes and behavior toward other members. The evaluation process must be a part of this effort.

In an organization that promotes "zero tolerance" of sexual harassment, hard evidence of continuing harassment provided in statistical surveys should serve as a stimulus for action. Commands with women or minorities should not be the only ones changing in the organization. For example, a sexist or racist remark should not be tolerated at any time or any place, regardless of whether there is a woman or minority within earshot. Leadership at all levels must be responsible for intervening. In fact, leaders--especially first- and second-level supervisors who are monitoring the environment most closely--must clearly demonstrate initiative and a visible commitment to "zero tolerance." Furthermore, organizations must begin to examine their complaint process to find out why less than half of the people surveyed are unsatisfied with the results when they follow the prescribed avenues of redress and talk to a supervisor or the harasser.

6. Improve Questionnaires.

Questionnaires provide important data in determining improvement and levels of harassment in organizations. It is important, then, that they effectively capture the appropriate and necessary data. An effort should be made to ensure that questionnaires reflect the established policy by covering the full range of locations in which harassment is prohibited, as well as the wide spectrum of prohibited behaviors. Further, data should be

gathered that reflects what respondents are experiencing and whether they consider it to be harassment.

7. Centralize Data Collection and Track Informal and Formal Complaints.

Although some countries are attempting to improve their central data collection with the use of a computer data base, each could benefit from a functional system that provides the necessary statistics on harassment complaints of all types, the resolution approach, and the results--one that can be continuously monitored for trends and necessary action.

Countries should track informal complaints and the corresponding information on attempted methods of resolution to assess how the overall program is doing. The milder forms of harassment that may be resolved through informal means may be more accurate indicators of a hostile environment that is affecting productivity. Hostile environment issues should be attacked with great energy and commitment, as they may be the breeding ground, or perhaps, the enablers, for the more severe forms of harassment.

8. Utilize Top-Level Study Groups.

Most of the TTCP countries are utilizing study groups that include high-ranking professionals and subject matter experts to assess their organizations' program effectiveness and areas of weakness. Through focus groups, command visits, and other means, these groups have proven to be quite influential in identifying necessary courses of action. These groups provide insight that cannot be gained through statistical surveys. They should continue to be utilized.

In summary, each of the TTCP countries has taken initial steps toward eliminating sexual harassment. By capitalizing on the combined knowledge and learning, each country can develop a stronger, more effective approach to combatting this complex problem. The greatest challenge is managing the necessary cultural change required to eliminate sexual harassment. Endless energy, constant attention, and tremendous commitment are needed to change the behaviors, attitudes, and perceptions of people. The effort should expand beyond the specific issue of sexual harassment to the issue of all types of harassment, and go beyond training personnel on the policies that prohibit harassment to educational programs that facilitate newfound recognition and internal personal growth. Prevention, assessment, and accountability methods along with the use of statistical and subjective data are all additional tools to assist managers in the change process. By pointing to strengths and weaknesses, such tools can facilitate further learning and refine future courses of action.

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